
Appeal Decision

Site visit made on 13 June 2017

by Richard S Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 June 2017

Appeal Ref: APP/X5210/Z/17/3171290

Advertising bus shelter OS No 245 West End Lane, London NW6 1XN

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Mohamed Ahmed, JCDecaux UK Ltd, against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/6868/A, dated 13 December 2016, was refused by notice dated 27 February 2017.
 - The advertisement proposed is described as a "double-sided freestanding forum structure, featuring 2 x Digital 84" screen positioned back to back. The Digital screen is capable of displaying illuminated, static and dynamic content, supplied via secure remote connection. In the event of an emergency, TFL will be able to override the advertisement function and display an 'Emergency message; alerting the public of immediate danger."
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Council refer to various policies in its adopted Development Plan. The Regulations require that decisions on advertisement applications and appeals be made only in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material. I have therefore considered the appeal and the policies on this basis.

Main Issues

3. The main issues in this case are the effect of the proposed advertisements upon the visual amenity of the area and highway safety.

Reasons

Visual amenity

4. The appeal site is situated within the West End Green Conservation Area. It relates to a bus shelter located in the footway in front of No 245 West End Lane, which is identified within a group of buildings between Nos 243 and 255 which make a positive contribution to the Conservation Area.
 5. I am therefore mindful of the duty placed upon me by the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
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6. Although located within a town centre setting, the existing commercial signage is in the main fairly restrained with limited illumination. There is also an appreciable restraint in terms of the public realm with a minimal level of fixed signage and very little visual clutter. Such attributes positively contribute to the character and appearance of the Conservation Area and maintains a visual focus upon the quality of the surrounding buildings.
7. The existing bus shelter incorporates two advertising panels facing the road. However, both ends of the shelter have clear panels which allow views through it up and down this side of the street and minimise its visual presence. In contrast, the proposed double sided digital display unit positioned at one end of a new bus shelter would create a more closed aspect and a greater presence within the street scene. Unlike the shop front signage which is set back in the street scene, the proposed digital display unit would occupy a prominent forward position and despite the busy town centre location it would appear much more dominant and visually intrusive than the existing advertisement panels, regardless of their status. It would also create an element of visual clutter and being more prominent in longer views along West End Lane, the proposal would fail to preserve or enhance the character or appearance of the Conservation Area.
8. I have considered the conditions suggested by the appellant, including the possibility of limiting the night time luminance level to 300Cdm². However, in this case I am not persuaded that the harm I have found would be acceptably overcome.
9. For these reasons the proposal would have an unacceptably harmful effect on the visual amenity of the area. The proposal would therefore be contrary to Policies CS5 and CS14 of the Local Development Framework Core Strategy (CS) and Policy DP25 of the Local Development Framework Development Policies (DP), which seek, amongst other matters, to preserve and enhance Camden's rich and diverse heritage assets and their settings. The Council's reason for refusal also refers to DP Policy DP24, however, this relates to quality design in developments rather than advertisements.

Highway safety

10. The display unit would be materially wider than the end panel of the existing bus stop and as such would effectively reduce the width of the footway at this point. The proposed site plan indicates that the existing width of the footway is 4m whilst the proposed display unit would be approximately 1.34m wide. The remaining width would therefore be less than the 3.3m minimum set out for busy pedestrian routes in Transport for London (TfL) guidance¹.
11. Whilst I have no evidence of the actual pedestrian flow rates in this location, at the time of my site visit I was able to observe that it was relatively high. The situation is exacerbated by the adjacent fruit and vegetable shop which displays goods on the footway across its frontage. This combination of factors would create a pinch point in the footway, thereby hindering the free flow of pedestrians along it. Consequently, during peak times it is likely that pedestrians would be forced to negotiate around the unit and into the road and potential conflict with vehicles.

¹ Transport for London publication "Pedestrian Comfort Guidance for London"

12. I therefore find that the proposal would unacceptably harm highway safety and in doing so would conflict with DP Policy DP21, which amongst other matters, seeks to avoid the same. The Council's second reason for refusal also makes reference to CS Policy CS5 (managing the impact of growth and development) and DP Policy DP24 (securing high quality design). However, these have limited relevance to this main issue for an advertisement appeal.

Other matters

13. The proposal forms part of a London wide programme by TfL to improve public transport provision by the upgrading and replacement of existing shelters. In this regard I acknowledge that the modern design shelter would provide improved seating, better information display as well as the ability to override the advertisement function to display emergency messaging in the event of major incidents. The shelter design also features integrated stop identification information and other technologies, including CCTV and Wi-Fi connectivity. However, advertisements are subject to control only in the interests of amenity and public safety. My conclusion on these matters is determinative.

Conclusion

14. Thus for the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR