
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/17/3171208

Bus shelter outside 176 Haverstock Hill, London NW3 4QT

- 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 2016/2369/A, dated 16 March 2016, was refused by notice dated 24 January 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. I have used address contained within the Council's decision notice as this more accurately describes the location of the appeal proposal than that given in the application forms.
3. 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 taken the policies into account on this basis.

Main Issues

4. 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

5. The existing bus shelter is located in the footway outside No 176 Haverstock Hill, within the Parkhill and Upper Park Conservation Area and opposite the boundary to the Belsize Conservation Area. In determining the appeal it is therefore necessary to pay special attention to the desirability of preserving or
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- enhancing the character or appearance of the former and the setting of the latter.
6. The opposite side of Haverstock Hill is mixed use in nature with ground floor shops and residential above. The associated signage however, is relatively low key with limited illumination, thus reflecting the conservation area status. This side of the road, from Belsize Park Station to the south east, is predominantly residential in character. The existing bus shelter is relatively small and includes a single advertisement panel which faces onto the road. Both ends are transparent thereby allowing views through the structure and minimising its presence within the street scene.
 7. The proposed advertisement display would comprise a double sided digital display unit at one end of a new bus shelter. Although the display unit would appear as an integral part of the shelter, it would nonetheless result in a much more solid and imposing presence within the street scene than the existing single poster panel which runs parallel to the road. In such a prominent forward position it would appear unduly conspicuous and dominant in a part of the street which is relatively devoid of advertisements. It would constitute an element of visual clutter and undermine the setting of the row of buildings to the rear which are identified as making a positive contribution to the Conservation Area. Accordingly, although I am unconvinced the proposal would materially affect the setting of the Belsize Conservation Area, it would fail to preserve or enhance the character or appearance of the Parkhill and Upper Park 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 resolved.
 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 first reason for refusal also refers to DP Policy DP24, however, this relates to quality design in developments rather than advertisements.

Highway safety

10. The proposed site plan indicates that the existing width of the footway is 5.1m whilst the proposed display unit would be approximately 1.34m wide. The remaining overall width of the footway would therefore be greater than the 3.3m minimum referred to by the Council for busy pedestrian routes as recommended by the Transport for London (TfL) publication "Pedestrian Comfort Guidance for London".
11. I acknowledge that there would be some additional hindrance above that which presently exists and that part of residual width would be in front of the bus shelter. However, I have no evidence of the actual pedestrian flow rates in this location and at that the time of my site visit (1600 hours on a Monday) it was very low. I accept that given the proximity to Belsize Park Station that this would likely increase during peak times, nevertheless, I am unconvinced that

any additional harm to pedestrian comfort levels would be sufficient on its own to warrant withholding express consent on the basis of harm to highway safety or amenity.

12. I do not therefore find that the proposal would unacceptably harm highway safety and would not 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. I acknowledge that the proposed change is part of a London wide programme by TfL to improve public transport provision in London by the upgrading and replacement of existing shelters. In this regard, 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 the former is determinative.

Conclusion

14. Thus for the reasons given above, and having considered all other matters raised, I conclude that the proposal is unacceptable on visual amenity grounds and the appeal should be dismissed.

Richard S Jones

INSPECTOR