

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/17/3171237
242 Haverstock Hill, London NW3 2AE

- 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 2016/2376/A, dated 16 March 2016, was refused by notice dated 24 January 2017.
 - The advertisement proposed is described as "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 taken the policies into account on this basis.

Main Issue

3. The main issue is the effect of the proposed advertisements upon the visual amenity of the area.

Reasons

4. The bus shelter is positioned on the footway in front of a run of properties of varying scale with ground floor commercial uses and likely residential uses above. The wider area is also mixed use commercial and residential.
 5. The site sits to the south east of Hampstead Conservation Area and opposite Fitzjohn/Netherhall Conservation Area. In determining the appeal it is therefore necessary to pay special attention to the desirability of preserving or enhancing the character or appearance of the of their setting.
 6. The existing bus shelter is a visually lightweight structure with no end panels. Save for two relatively small information boards with advertisements facing the
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road, is largely transparent, thereby allowing views through it. Therefore, although occupying a relatively prominent position forward the building line, it remains a relatively recessive feature with little visual influence on the character and appearance of the area. Save for a hot food takeaway, the level of illumination to the signage along this section of road is relatively limited.

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 same, it would nonetheless result in a much more solid and imposing presence within the street scene. Due to its size, prominent forward position and the nature of the digital display it would become an unduly conspicuous, dominant and discordant feature that would create an element of visual clutter in the public realm. Being prominent in longer views along Haverstock Hill, the advertisements would be harmful to the setting of the Fitzjohn/Netherhall Conservation Area and to the non-designated heritage asset at No 238 Haverstock Hill. Given its position relative to the boundary of Hampstead Conservation Area, I do not consider that the proposal would materially affect the setting of the same.
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.

Other matters

10. The proposal forms part of a London wide programme by Transport for London to improve public transport provision by the upgrading and replacement of existing shelters. In this regard, I therefore 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 the former is determinative.

Conclusion

11. 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 that the appeal should be dismissed.

Richard S Jones

INSPECTOR