
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: 4 July 2017

Appeal Ref: APP/X5210/Z/17/3171291

Bus shelter outside 2 Waterhouse Square, 140 High Holborn, London EC1N 7RA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Andrew Jordan, JCDecaux UK Ltd, against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/4263/A, dated 1 August 2016, was refused by notice dated 24 January 2017.
 - The advertisement proposed is for the display of two internally illuminated digital screens to existing bus shelter structure no. 0107/0217.
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Decision

1. The appeal is allowed and express consent for the display of two internally illuminated digital screens to existing bus shelter structure no. 0107/0217 as applied for is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The advertisements hereby granted shall include static images only. The interval between advertisements shall take place over a period no greater than one second. No visual effects of any kind are permitted to accompany the transition between any two successive messages. The replacement image must not incorporate any fading, swiping or other animated transitional method. The display shall include a mechanism to freeze the image in the event of a malfunction. Each image shall be displayed for at least 10 seconds. The use of message sequencing for the same product is prohibited.
 - 2) The intensity of luminance of the advertisements shall be no greater than 300Cdm² during the hours of darkness. The intensity of luminance of the advertisements during the daytime shall be in accordance with details to be submitted to and approved in writing by the local planning authority prior to the operation of the advertisements.

Procedural Matter

2. I have used the address and description given in the Council's decision, which more accurately and concisely describes the location and the proposal.
 3. The Council refer to various policies in its adopted Development Plan. The Regulations require that decisions on advertisement applications and appeals
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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

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

Reasons

5. The appeal relates to an existing bus shelter located on the footway in front of No 142 High Holborn, which is a grade II* listed building in the picturesque Gothic Revival style, finished with polished granite at its lower level with red brick and terracotta above. It is a very large building with an imposing presence on the street scene. The site also falls within the Hatton Garden Conservation Area which in this part is commercial in character containing a mix of buildings of varying ages.
6. In determining the appeal I am therefore mindful of the duty placed upon me by Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of this listed building and for special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
7. The listed building is situated within a very busy commercial area with shops, restaurants, bars and business uses in buildings of significant scale. The double-sided freestanding forum structure is already in place at one end of the bus shelter with one of the digital displays subject of this appeal on the inward facing side only. The outward facing side displays a paper poster panel. The Council confirm that double sided internally illuminated advertisement poster panels were approved in this location in 2011 and I have no evidence of any discontinuance action having been taken.
8. The approved poster panels and the digital displays are approximately the same size. Therefore subject to conditions controlling the brightness level to respect the historic setting, as well as the way in which the advertisements are displayed, I am satisfied that no significant change over that previously accepted would occur. It therefore follows that there would be no greater impact on the listed building or the Hatton Garden Conservation Area or the visual amenity of the area. As such, controlled digital displays would have a neutral effect which would preserve the existing character and appearance of the conservation area and the setting of the listed building.
9. Accordingly, I do not find conflict with the National Planning Policy Framework. Moreover, it would not conflict with Local Development Framework Core Strategy Policies CS5 and CS14 or Local Development Framework Development Policies (DP) Policy DP25, 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 policy relates to quality design in developments rather than advertisements.
10. I have noted the Council's reference to other proposals for digital screens which have been dismissed at appeal. However, I have not been provided with any

details of those schemes with which to compare. In any case, I have determined the appeal proposal on its own merits.

11. I therefore conclude that the proposal would not have an adverse effect upon the visual amenity of the area and the matters put forward and the other considerations before me, do not indicate that the advertisement should be resisted.
12. The Regulations impose five standard conditions. I have considered the additional conditions suggested by the appellant and the Council and I agree further conditions are required to control the brightness and content of the displays so as not to detract from the character and appearance of the area and to ensure that the images would not result in harm to highway safety.
13. For the reasons given above, the appeal is allowed.

Richard S Jones

INSPECTOR