The Planning Inspectorate

Appeal Decision

Site visit made on 11 February 2019

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 April 2019

Appeal Ref: APP/X5210/W/18/3212238
135 Finchley Road, Camden, London NW3 6JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by 135 Finchley Road Ltd against the decision of the Council of the London Borough of Camden.
- The application Ref 2018/1335/P, dated 13 March 2018, was refused by notice dated 14 August 2018.
- The development undertaken is the installation of fixed LED lighting strips to existing aluminium perforated screen facade fixed on the front and side elevations of the building.

Decision

1. The appeal is allowed and planning permission is granted for the installation of fixed LED lighting strips to existing aluminium perforated screen facade fixed on the front and side elevations of the building at 135 Finchley Road, Camden, London NW3 6JH in accordance with the terms of the application, Ref 2018/1335/P, dated 13 March 2018, subject to the following conditions:

    1) The intensity of the illumination of the external lighting shall not exceed 2500 candelas per square metre during the day and 400 candelas per square metre during the hours of darkness in line with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's Professional Lighting Guide 05: The Brightness of Illuminated Advertisements 2015'.
    2) The external lighting shall be statically illuminated and remain either red or white in colour unless otherwise first agreed in writing by the local planning authority. The external lighting hereby permitted shall not be on between midnight and midday, any day of the week.

Procedural Matter

2. The development was complete at the time of my visit. This has no bearing on my decision which is based on the planning merits of the case.

Main Issue

3. The main issue in this case is the effect of the development on the character and appearance of the host building and its immediate surroundings.

Reasons

4. The appeal relates to a two storey box like building which sits between two much larger buildings. It is currently used as a restaurant and enjoys a prominent position on a busy intersection along Finchley Road. The front and side elevations of the building have been clad with a perforated screen façade. LED lights have been fitted behind the perforated screen which as I saw at my late evening visit, gives the building a red glow after dark. I understand, however, that the luminance and colour of the lighting can be controlled.

5. To my mind, the visual effect of the LED lighting is subjective. In my view, it adds interest to a fairly uninspiring section of the street scene which is not without other illuminated features such as large digital advertisement hoardings, advertisements on buildings and lights from the staircase of the adjacent apartment block.

6. As a result, I consider that it makes a positive contribution to the street scene, and as I have explained, the colour and degree of illumination can be controlled to ensure it does not appear overly harsh. This can be enforced by the imposition of a suitably worded planning condition. In the event the appeal is successful, the Council has also suggested a condition to limit the hours of illumination, which I agree is necessary. However, I see no reason why the hours should be reduced for Sundays and Bank Holidays and I consider midnight to be an appropriate cut-off for such a busy town centre location.

7. In reaching my decision, I am mindful of concerns raised that the LED lights are disturbing for nearby residents and have led to a distraction for users of the highway. However, as I have explained, the degree of illumination can be controlled and I am satisfied that when set at an appropriate luminance, it need not cause undue nuisance. Further, I have seen no evidence that the lighting scheme has directly resulted in any accidents along Finchley Road. Whilst it has also been suggested that approval of the lighting scheme would set an undesirable precedent, one of the fundamental principles underpinning the planning system is that each planning application must be considered on its individual merits, as I have done in this case.

8. Finally, the Council refers to an appeal decision relating to external lighting at 127-143 Borough High Street, London SE1 1NP (APP/A5840/W/15/3132916). I note my colleague Inspector refers within his Decision Letter to '*the historic nature of the street scene and this part of the Conservation Area*'. This suggests that the setting in that particular case is very different to the setting of the proposal before me. I therefore attach little weight to it in reaching my decision.

9. In light of the above factors, and having considered all other matters raised, I conclude that the LED illumination does not harm the character and appearance of the host building and its immediate surroundings. In such terms, I find no conflict with policies D1, D3 and D4 of the adopted Camden Local Plan which promote high quality design that respects local context and character.

David Fitzsimon

INSPECTOR