



Appeal Decision

Site visit made on 13 November 2019

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2020

Appeal Ref: APP/K5030/Z/18/3211426

Outside 322 High Holborn, London, WC1V 7PB

- 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 British Communications Plc against the decision of the City of London Council.
 - The application Ref 18/00460/ADVT, dated 8 May 2018, was refused by notice dated 19 July 2018.
 - The advertisement proposed is 2No. LED digital displays measuring 1.22m in height by 0.79m in width at a height of 1.38m above ground level, one either side of an InLink.
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Decision

1. The appeal is allowed and express consent granted for 2No. LED digital displays measuring 1.22m in height by 0.79m in width at a height of 1.38m above ground level, one either side of an InLink, at the site outside 322 High Holborn, London. Consent is for five years from the date of this decision and subject to the standard conditions set out in the Regulations and the additional conditions contained in the Schedule.

Procedural Matters

2. The address of the site and the description of development are taken from the Appeal form, as this information is accurate and precise.
3. The Regulations and the National Planning Policy Framework (the Framework) both make clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply to advertisement control, however the development plan policies are material considerations and I refer to the relevant policies in my assessment of the appeal.
5. The appeal was originally accompanied by a second appeal in respect of an application for planning permission for construction of the InLink structure. The appellant subsequently withdrew the planning appeal. Accordingly, planning permission in respect of the construction of the InLink structure is not being considered in this Decision and would require separate consideration. I have therefore determined the appeal on this basis.

Main Issue

6. The main issue is the effect of the proposed advertisements on the amenity of the surrounding area and on the setting of heritage assets.

Reasons

7. Currently at the site is a telephone kiosk. The appellant has described its strategy of removing these kiosks and replacing them with the Inlink facility. This would provide access to the internet, together with calls and charging facilities. However, the 55 inch screens on either side of the 'totem' would also display digital illuminated advertisements.
8. The site is near to Chancery Lane Conservation Area (CA) together with listed buildings. The Council have identified these as 336 High Holborn (Grade II listed), 337-338 High Holborn (Grade II*), 1-4 Holborn Bars (Grade I).
9. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 66 Under Section 66 of the Act places a duty to consider whether granting planning permission for the proposal would preserve the listed building or its setting or any features of special architectural or historic interest which it possesses. Should I find less than substantial harm to designated heritage assets I will consider whether this harm would be outweighed by the public benefits of the proposal.
10. In this case, the Inlink would be positioned on a relatively wide section of footpath which already has street furniture, such as a bus shelter and metal cabinet for example. There are no illuminated advertisements on the street furniture, but this is an area where there are many commercial properties displaying signage and advertisements.
11. The Inlink is a slender and modest sized structure, and the scale of the advertisements would not be imposing or overly prominent. It will replace a telephone box and therefore not add significantly to street clutter. Furthermore, given the commercial and busy nature of High Holborn, the Inlink would not be an incongruous addition to the street scene.
12. The lighting level as described by the appellant would not be overly bright, in my opinion, and would be dimmed at dawn until dusk. The appellant has confirmed that the level of illumination of each panel during the hours of darkness would be restricted to 600cd/m² which, I understand, would be within the maximum levels recommended by the Institute of Lighting Professionals. This level of light from the advertisement display screens would not be to a degree that would result in high levels of unwanted light on High Holborn.
13. Although within the setting of the aforementioned listed buildings, given the Inlink design and nature of advertisements, together with the separation distance from these heritage assets, its effects to their character would be neutral. The illumination would not be to a level that would detract from the lighting of these listed buildings.
14. Whilst the Inlink and its digital displays would be visible from some parts of the CA, it would be viewed against a commercial setting with other advertisements

on relatively modern buildings also visible. Therefore, given the small scale of the advertisements on the Inlink, they would not have an adverse impact to the character or significance of the CA, which would be preserved.

15. I therefore conclude the siting of the proposed InLink display would not harm the visual amenity of the area or the setting and significance of heritage assets. The advertisements would not be obtrusive or overly prominent in this setting. The proposal therefore accords with policies CS10, DM 10.6, CS12 and DM12.1 of the City of London Local Plan, 2015. The proposal also accords with London Plan policy 7.8. These policies require the historic environment to be conserved or enhanced; promote a high standard of design, improving the street environments; and encourage a restrained amount of advertising in keeping with the character of the City; amongst other things.
16. There is no dispute in regard to the effect of the advertisements on public safety, with no objection from the Council in this regard. I have no reason to disagree with this view and regard the advertisements proposed as having no adverse impact to public safety.

Condition Reasons

17. I attach conditions relating to a limitation on the level of night time illumination; and a restriction limiting the advertisements to static images only, which shall not change quicker than every 10 seconds. These conditions are required in order to protect the quality of the visual environment at each location and safeguard public safety.
18. The displays are sited close to the public highway. To avoid confusion for highway users, it is necessary to ensure that any advertisement content does not resemble road traffic signs and a condition to that effect is attached.

Conclusion

19. For the reasons given above, the appeal should be allowed, subject to the conditions set out below.

S. Rennie

INSPECTOR

Schedule – Conditions

1. The intensity of the illumination of the two digital display screens shall not exceed 600 candelas per square metre (cd/m²) between dusk and dawn 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'.
2. The digital display screens shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements) at any time. The screens shall at all times maintain a safety feature that will turn the screen off (ie show a black screen) or freeze the image in the event that the display experiences a malfunction or error.
3. No single image or item of content shall be displayed on either screen for fewer than 10 seconds. The interval between advertisements shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.
4. No content on the digital display screens shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.