The Planning Inspectorate

Appeal Decision

Site visit made on 22 September 2020 by Hannah Ellison BSc (Hons) MSc MRTPI

Decision by S R G Baird BA (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2020

Appeal Ref: APP/K5030/Z/20/3254618
Bus Shelter o/s 1 Exchange Square, Bishopsgate, London EC2A 2JN

- 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 Martin Stephens against the decision of the City of London Council.
- The application Ref 20/00331/ADVT, dated 14 April 2020, was refused by notice dated 9 June 2020.
- The advertisement proposed is described as 'Single freestanding Forum Structure, featuring a double sided Digital 84" screen at one end of the bus shelter. The Digital screen is capable of displaying illuminated, moving images and content is supplied via secure remote connection. Tfl will utilise 15% of Digital screen broadcast time to display public service information. 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'.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. I have taken the site address from the appellant's appeal form as this provides a more accurate description of the site's location, as the site address on the application form is given as 1 Exchange Square, London EC2A 2JN.

4. The Council refers to several development plan policies and I have taken them into account where relevant. However, powers under the Regulations[1] to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework and the Planning Practice Guidance reiterates this approach. Therefore, the Council's policies have not, by themselves, been decisive.

Main Issues

5. The main issues are the effect of the proposed advertisement on:

[1] The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

- The visual amenity of the area; and
- Public safety, with particular regard to pedestrian movement.

Reasons

6. The appeal site is located adjacent to an existing bus shelter on the west side of Bishopsgate. Permission is sought to install a freestanding double sided internally illuminated digital totem advertisement at 90 degrees to the northern end of the existing bus shelter.

Visual amenity

7. The area has a strong commercial and contemporary character. However, there is a distinct lack of illuminated digital advertisements in the immediate street scene and a limited amount of street furniture. As such, the area has an uncluttered appearance. The proposed advertisement would be of a significant scale, at some 1.3m wide by 2.3m high, and it would occupy a highly prominent position on the pavement. Due to its siting and design, it would be an overly obtrusive and dominant addition in the locality and would appear visually discordant with and detract from the restrained character of the street scene. Whilst the level of illumination could be controlled by condition, this would not negate its significantly incongruous design and siting.

8. The appellant indicates that the proposal could display important public service information. Whilst this may be of some benefit to the public, I afford this matter limited weight due to the scale of the proposal. It would not therefore outweigh the harm I have identified.

9. My attention has been drawn to similar advertisements which were granted consent at appeal. I have not been provided with the full details of each case, however I note that the Inspector in each case found that the advertisements were proposed in areas with a variety of fascia's, signs and street furniture. This does not align with the uncluttered characteristics of the immediate street scene of the appeal site. Therefore, I cannot be certain that the examples are directly comparable to this appeal and I have determined it on its own merits.

10. Due to its scale and prominence, this proposal would result in unacceptable harm to the visual amenity of the area. It would conflict with Policies CS10 and DM10.6 of the City of London Local Plan (January 2015) (the LP) which, although not decisive, seek to resist obtrusive advertising and ensure proposals are appropriate to the character of the City.

Public safety

11. The appeal site is located in a busy commercial area with numerous businesses, services and transport links and at the time of my visit I observed a high level of pedestrian and vehicular traffic. Given the nature of the area there is nothing to suggest that this was a unique observation. The existing bus shelter does not have end panels and is therefore a narrow feature on the footway which does not appear to significantly obstruct pedestrian movement.

12. The proposed advertisement would be orientated at 90 degrees to the bus shelter, therefore enclosing one end of the shelter and encroaching into the footway. However, the footway immediately adjacent to the proposed siting of the advertisement is of a very generous width, taking into consideration the

additional delineated area around the building up to the bicycle stands. Whilst the design of the proposed advertisement would prevent views through to the other side, due to the wide nature of the pavement at this point, it would not significantly hinder the safe passage of pedestrians. Moreover, I consider that someone sitting in the shelter would take up just as much width as the proposed advertisement. Therefore, the proposal would have a similar effect on pedestrian flow as the current arrangement.

13. Consequently, this proposal would not cause harm to public safety and would therefore comply with Policy CS16 of the LP which, although not decisive, seeks to improve conditions for safe and convenient walking, amongst other things.

Conclusion and Recommendation

14. Although I have found that the proposal would not be harmful to public safety, this would not outweigh the considerable harm caused to the visual amenity of the area. Therefore, for the reasons given above, I recommend that the appeal is dismissed.

Hannah Ellison
Appeal Planning Officer

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

George Baird
INSPECTOR