
Appeal Decisions

Site Visit made on 10 August 2021 by S Witherley CIHCM MRTPI

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2021

Appeal A Ref: APP/X5210/W/21/3269495

Euston LUL Vent Shaft , Euston Road and Gower Street , London NW1 1HS

- 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 Mr Martin Stephens on behalf of JCDecaux UK Limited against the decision of the Council of the London Borough of Camden.
 - The application Ref 2020/2878/P, dated 23 June 2020, was refused by notice dated 2 February 2021.
 - The development proposed is Erection of steel envelope(cladding) on steel frame fixed onto existing concrete vent shaft (sui generis).
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Appeal B Ref: APP/X5210/H/21/3269482

Euston Vent Shaft , Euston Road and Gower Street , London NW1 1HS

- 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 on behalf of JCDecaux UK Limited against the decision of the Council of the London Borough of Camden.
 - The application Ref 2020/3341/A, dated 23 June 2020, was refused by notice dated 2 February 2021.
 - The advertisement proposed is Display of an internally illuminated LED digital advertising board on the west elevation of a steel frame fixed to the existing concrete vent shaft.
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Decision

Appeal A – Steel Envelope

1. Appeal A is allowed, and planning permission is granted for the development of the erection of steel envelope(cladding) on steel frame fixed onto existing concrete vent shaft (sui generis), at Euston LUL Vent Shaft , Euston Road and Gower Street , London, NW1 1HS, in accordance with the terms of the application, Ref 2020/2878/P, dated 23 June 2020, subject to the following conditions:
 1. The development, hereby, permitted shall begin not later than 3 years from the date of this decision.
 2. The development, hereby, permitted shall be carried out in accordance with the following approved plans: site Plans and Proposal Details June 2020.
 3. No external facing materials shall be erected or hung until details of those materials have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Appeal B - Advertisement

2. Appeal B is allowed, and express consent is granted for the display of an internally illuminated LED digital advertising board on the west elevation of a steel frame fixed to the existing concrete vent shaft at Euston Vent Shaft , Euston Road and Gower Street , London, NW1 1HS in accordance with the terms of application Ref 2020/3341/A, dated 23 June 2020. The consent is for five years and subject to the five standard conditions set out in the Regulations.

Appeal Procedure

3. 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

4. The proposal comprises two elements: Appeal A seeks approval for the erection of a steel envelope to display an advertisement. Appeal B deals with the proposed advertisement. Whilst there are two separate appeals, the structure as a whole provides the housing for the advertisement. I have therefore assessed the appeals together.
5. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. Both parties were given the opportunity to comment on the revised Framework.
6. In terms of adverts, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach. In the determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.

Main Issues

7. As the effects upon character and appearance and amenity are largely the same, I have considered these together in my reasoning below. The main issues therefore are: The effect of the proposals on 1) the character and appearance/amenity of the area; and 2) pedestrian safety.

Reasons for the Recommendation

8. The appeal site is an existing 'T' shaped, concrete and timber clad vent shaft which features a back lit advertisement display upon its north facing elevation. It is located on a pedestrian thoroughfare that borders the Euston underpass from Gower Street up the busy Euston Road and Hampstead Road junction where it bridges the Euston underpass.
9. The vent itself sits forward of two tree lined footpaths that run either side of a central landscaped area with seating areas. These footpaths converge forward of the vent to form a large, paved area that straddles the Euston underpass. Whilst the primary function of this area appears to provide pedestrians with

safe and unhindered access across the busy highway intersection, this area also provides pedestrians with a seating area amidst the bustling, high volume, city centre traffic.

10. Within the wider area there are planted landscaped sections and cycle stands, however, these are intermittently dispersed giving the area a relatively open aspect. The built form that surrounds the appeal site is made up of a mix of modern looking buildings with highly glazed frontages which vary in both height and form. Traditional brick and render buildings can be seen in longer views which gives the immediate area a look of modernity. The existing vent shaft is a somewhat unattractive and functional incursion into the space, having little design detail or aesthetic merit.

Character and Appearance – Steel Envelope

11. The proposal seeks to encase the existing vent shaft in a metal shroud with a front face/west elevation containing a digital sequential advertisement screen. It would be constructed with flat sides with an arched rear which would curve downwards towards the footway. In terms of its design and use of materials it would appear significantly different to that of the existing, box like, utilitarian structure.
12. The contrast in design, in itself, is not considered to be detrimental, particularly when considering the mix of modern looking buildings which would surround it. Its proposed design, which is considered to be of a high quality, and use of materials, which are sympathetic to the palette of materials seen throughout the immediate area, ensures that it would assimilate well into the existing urban landscape of tall modern looking buildings constructed of modern materials.
13. In terms of its scale, whilst I agree that it would have a greater height and width than the existing, this increase would not be considered so significant that it would result in the proposal appearing overly dominant or incongruous in the area, particularly given the scale of the surrounding built environment. When viewed in both short and long views, the proposal would be seen against the backdrop of a modern city centre with towering buildings of modern construction. Thus, ensuring its design, materials, scale and mass, respects the local context and its character, thus making a positive contribution to the area.

Amenity – Advertisement

14. The proposed advert would be located on the forward facing/west elevation of the proposed steel shroud. The existing structure has an existing advertisement located on its northern elevation and there are other prominent adverts that can be seen throughout the area, most notable are the adverts located on the bridge sections of the Euston underpass. Despite these advertisements sitting lower than the proposed advertisement they can still be seen in both short and long views from street level.
15. The proposed advert would be seen in the context of a bustling city centre characterised by tall institutional and commercial buildings. It would be located in a raised position on the forward facing elevation of a modern steel structure. Its proposed scale and levels of illumination ensures that it would respect the surrounding busy urban area in which it would be located. It would

be sited upon a replacement structure and as such it would not create or add unnecessary street clutter to the otherwise existing open and uncluttered public realm. Consequently, it would preserve the existing character of the area and would respect the form, fabric, design and scale of the proposed steel shroud, an aim which the Camden Planning Guidance – Advertisement (2018) seeks to achieve.

16. On this main issue, I therefore conclude that the proposal would not harm the character and appearance/ amenity of the area and therefore complies with Policy D1 of the Camden Local Plan (LP) (2017) which seeks proposals to integrate well with the surrounding streets and open spaces, and respect local context and character.
17. In addition, I conclude that the proposed advertisement would not have a harmful effect on amenity and would not detract from the surrounding area given its vibrant and urban setting. The proposed advert would therefore accord with the requirements of Policy D4 and A1 of the LP.

Pedestrian Safety

18. The Council note that the proposal would have a larger footprint than the existing thereby reducing the area of pavement to the north between the proposed structure and the underpass wall. This reduction would, as noted in the Council's report, leave approximately 2.1 metres of pavement section between these parameters. This, the Council state would fall short of the TfLs Pedestrian Comfort Guidance which seeks a minimum of 2.2 and 3.3 metres of clear footway width. The Council have not provided any evidence relating to the numbers of pedestrians likely to be affected by the reduction of the footpath.
19. Whilst I have not been furnished with a copy of the TfL guidance, I consider the reduction to the width of the footpath at this location would not be significant in that it would result in a detrimental effect to pedestrian safety. Thereby it would not impede the safe and free movement of pedestrians, cyclist or those users with visual impairments to safely navigate around it. Particularly as there would remain a second pedestrian pavement located to the other side of the proposed structure. As such, whilst the passage on one side of the structure may be marginally be below TfL guidance, that is more than compensated for on account of the wider footway at the other side of the structure.
20. In conclusion on this main issue, I find that the reduction in the overall width of the footpath would not be significant to an extent that it would be detrimental to pedestrian safety, as such it would continue to promote sustainable transport as required by Policy T1 of the LP. This Policy amongst other things seeks to promote walking and cycling by providing high quality footpaths that are wide enough for the number of people expected to use them.

Other Matters

21. Both parties have referred me to two previous proposals which sought approval for similar proposals, and which were dismissed at appeal¹. Though neither party have provided full drawings of the previously dismissed schemes, they have provided comparable illustrations showing the difference in the proposals.

¹ APP/X5210/H/19/3227881 & APP/X5210/H/19/3227883

I am therefore satisfied that I can make a clear distinction between the previous dismissed schemes and the proposals before me.

22. The previous schemes relate to the same appeal site, however, the proposals before me and the previous ones appear notably different, particularly in terms of height, scale and appearance. Whilst I have had regard to the previous Inspector's decisions, I am also minded that each application is to be determined on its own individual merits. For the reasons discussed above, I have come to a different conclusion to the previous Inspector based on the evidence before me. In particular, I am satisfied that the significantly reduced scale has satisfactorily addressed previous concerns relating to the visual amenity and accessibility.
23. The Council have assessed the proposed advertisement on public safety grounds and note that *the proposal was prepared in accordance with a document commissioned by Transport for London titled 'Guidance for Digital Roadside Advertising and Proposed Best Practice'*. Whilst I have not been provided with a copy of this document, from my own observations at the time of my site visit, I would agree that the proposed advertisement would not adversely affect public safety.

Conditions

Appeal A – Steel Envelope

24. The standard time limit condition has been imposed along with a condition specifying the relevant drawings as this provides certainty. Whilst an indication of the external materials are given on the submitted plans, the precise appearance of those is not apparent and a condition is necessary to ensure that the details of the materials are submitted to and approved in writing by the Local Planning Authority in the interests of the character and appearance of the area. The Council have not suggested any conditions.

Appeal b – Advertisement

25. The standard conditions are to be attached. Whilst the appellant has suggested a number of additional conditions these generally fall within the requirements of the standard conditions and it is not considered necessary or reasonable to duplicate these. The Council have not suggested any conditions.

Conclusion and Recommendation

Appeal A – Steel Envelope

26. For the reasons given above and having had regard to all other matters raised, I find that there are no material considerations that indicate the decision should be made other than in accordance with the development plan. I recommend that the appeal should be allowed.

Appeal B – Advertisement

27. For the reasons given above the advertisement is acceptable in terms of visual amenity, it is recommended that the appeal should be allowed, subject to the five standard conditions.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

28. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendations and shall allow Appeal A and Appeal B, subject to the conditions set out in the report.

Chris Preston

INSPECTOR