
Appeal Decision

Site visit made on 10 January 2023

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 20th February 2023

Appeal Reference: APP/X5210/Z/22/3309407

Land at 187 Camden High Street, London NW1 7JY

- 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 J Myers (Blow Up Media UK Ltd) against the decision of the Council of the London Borough of Camden.
 - The application (reference 2022/1657/A, dated 12 April 2022) was refused by notice dated 12 October 2022.
 - The advertisement proposed is described in the application form as a “decorative scaffold shroud printed onto pvc and wrapped around the scaffold”.
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Decision

1. The appeal is allowed and express consent is granted for the temporary display of a scaffold shroud (with replica of building façade) to front and side elevation, including inset advertisement panel 3.6 metres by 7.6 metres to side elevation. The consent is for one year 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 shroud hereby permitted shall be displayed only in conformity with the following approved drawings (subject to the deletion of the proposed lighting):
 - drawing number PY4249/001 (Location Plan);
 - drawing number PY4249/002 (Site Plan);
 - drawing number PY4249/003 (Existing Elevations);
 - drawing number PY4249/004 (Proposed Elevations);
 - drawing number PY4249/005 (Standard Specifications);
 - drawing number PY4249/006 (Existing View);
 - drawing number PY4249/007 (Proposed View).
 2. This consent does not extend to any form of illumination.
 3. The shroud hereby permitted shall be displayed for a temporary period only and shall be removed on or before the expiration of six months from the date of first installation of the shroud or in accordance with other conditions or requirements of this advertisement consent, if sooner.
 4. The advertisement hereby granted consent shall only be displayed while the refurbishment works to the elevation which require scaffolding are being undertaken and shall be completely removed by the end of the temporary

period specified above or when the said works have been completed and scaffolding is no longer required, whichever may be the sooner.

Preliminary points

2. Notwithstanding the description of the application that was given in the application form and the alternative descriptions given in the decision notice and the appeal form, the nature of the proposal (as applied for) can more clearly be expressed as a temporary display of a scaffold shroud (with replica of building façade) to front and side elevation, including inset advertisement panel 3.6 metres by 7.6 metres to side elevation, and two static illumination overhead lights.

Main Issues

3. In relation to this advertisement consent appeal, the legislation makes it clear that the powers conferred by the Regulations may be exercised only in the interests of amenity and public safety; the Development Plan may be a material consideration but cannot be determinative. No objections have been put forward in relation to safety issues in this appeal. Thus, the main issue to be determined in the appeal is the impact of the proposed advertisements on amenity.

Reasons

4. The appeal site is located at a major road junction in the centre of Camden, near to Camden Town Underground Station. The location is a busy urban hub with commercial and retail outlets, sometimes in rather grand buildings. In some cases, the upper floors of buildings are in residential use, while in others they appear to be non-residential. The surrounding area is designated as the Camden Town Conservation Area.
5. The existing building has frontages to both Camden High Street and Parkway and is an imposing nineteenth century edifice, constructed primarily of red brickwork with decorative embellishments and elaborate architectural features, especially at roof level. Nevertheless, the ground floor is now in use as a telephone shop and it has some insistent signage that clashes with the building elevations. The upper floors are occupied as flats. The building is not listed but it does provide a significant feature at a prominent site in the Conservation Area.
6. Refurbishment works are now to be carried out to the building and scaffolding will be needed for its execution. It is proposed that a decorative scaffold shroud would be wrapped around the scaffold during the work.
7. One of the aims of the 'National Planning Policy Framework' is "achieving well designed places" in the broadest sense (notably at Section 12) and it points out that "the quality and character of places can suffer when advertisements are poorly sited and designed" (paragraph 136), while recognising that the control regime ought not to be unduly onerous.
8. Attention has also been drawn to Policies in the 'Camden Local Plan' (dated 2017). Policy D1 is concerned with design issues generally, while Policy D2 focusses on heritage assets and Policy D4 is concerned with advertisements. Policy A1 is more specifically aimed at protecting the amenities of individuals.

9. The proposed shroud would envelop the scaffolding that would be necessary to enable the proposed refurbishment works to the exterior of the building to be carried out. It would present an image of the building itself but including a large advertisement panel on the Parkway frontage. It was proposed in the application that this panel would be illuminated by projecting lights at high level, shining down on the scaffold shroud, although the proposed lighting is described as an "optional feature".
10. It is expected that the building will need to be encased in scaffolding for a period of about six months and it is evident that the character and appearance of the area will inevitably be affected, for the worse, during the period of the building works.
11. The shroud would extend higher than the existing building and it would obviously be outside the existing elevations. Most of the image to be presented would recall the façades of the building but a significant area would be dedicated to advertisement space. Nevertheless, I have formed the opinion that the shroud would enhance the character and appearance of the area by comparison with an unscreened scaffolding installation.
12. The same would not be the case if it were to be illuminated, however, since an illuminated scheme would be too insistent and prominent in the Conservation Area setting. I have noted, however, that the illumination of the advertising area by downlights is considered to be an "optional feature" that could be omitted and that it does not form an essential part of the proposal. I have concluded that the proposed lighting should not be permitted (and it has been deleted from the description of the approved advertisement, therefore).
13. Nevertheless, I am persuaded that the project would not cause undue harm to the character and appearance of the locality (in the Conservation Area), subject to the modification that I have explained, and that it would not conflict with Development Plan policy (though that could not be decisive in this appeal, in any case). The scheme would not cause unacceptable harm to visual amenities in general terms, therefore.
14. I am conscious that residents in the flats would have a very poor outlook during the course of the works, in any case, due to the presence of the scaffolding. I have concluded, therefore, that the installation of a shroud during the works would not significantly worsen occupiers' experience of the building works, in relation to planning requirements. It is not, however, part of the purpose of this appeal to determine what contractual or other rights may be relevant, outside the planning system.
15. There has been some concern expressed that the shroud could be kept in place for an unnecessarily long period and the submissions by the main parties to the appeal have both addressed this matter. I have no convincing reason to suppose that the scaffolding is unnecessary but I accept that the shroud ought to be in place only for so long as work is being undertaken and, in any case, only for a limited period.
16. I have considered proposed conditions that have been put forward to address this, again by both main parties, and I have concluded that additional conditions are, indeed, necessary, to link the shroud to the duration of the refurbishment work and to define a final date for its removal. I am aware that

the commencement of the work has previously been delayed by the planning process and I have imposed a "long-stop condition", in the light of this uncertainty. If the works are to be further delayed, a formal variation to the conditions may be appropriate, of course.

17. Proposed conditions would also limit the overall duration of the shroud installation and preclude the display of the shroud if refurbishment works are not, in fact, in progress.
18. I am conscious that the appeal scheme could bring some economic benefits, through advertising, and I am persuaded that it would not cause unacceptable harm to the amenities of either the surroundings generally or of residents in the building. There is no indication that the scheme would give rise to concerns about safety. Hence, I have concluded that the signage which is the subject of this appeal deserves to be permitted and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
19. I have also considered the imposition of conditions and have no doubt that the five standard conditions ought to be imposed. In addition, and as explained above, I have imposed additional conditions to regulate the display of the shroud, in the light of the particular circumstances of this case.

Roger C. Shrimplin

INSPECTOR