

Appeal Decision

Site visit made on 22 August 2016

by D M Young BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21st September 2016

Appeal Ref: APP/X5990/Z/16/3155143

10-11 St Martin's Court, London WC2N 4AJ.

- 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 Cafe Koha Restaurant against the decision of City of Westminster Council.
 - The application Ref 16/04514/ADV, dated 15 May 2016, was refused by notice dated 15 June 2016
 - The advertisement proposed is the display of 17 x branded canvas barriers; up to 1.0m high and up to 1.5m wide. Grey lettering on black background.
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Decision

1. The appeal is allowed and express consent is granted for the display of 17 x branded canvas barriers; up to 1.0m high and up to 1.5m wide with grey lettering on black background as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Procedural Matters

2. I have taken the description of development from the Appeal Form which is more succinct than the version provided on the Application Form.
3. The barriers are already in situ. I have assessed the proposal accordingly.
4. The site lies within the Covent Conservation Area (CCA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Main Issues

5. The main issue is the effect of the advertisements on the visual amenity of the surrounding area including the CCA.

Reasons

6. The appeal property is located within St Martin's Court, a narrow side street linking Charing Cross Road to St Martin's Lane in the heart of London's west-end. The surrounding area comprises an eclectic mix of restaurants, bars and theatres and is evidently a focal point for the city's night-time economy. As a
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- consequence adverts of varying forms and styles are intrinsic features of the area.
7. The development relates to 17 removable black canvas barriers displaying the name 'Koha'. The barriers have been erected as a means of enclosure around the external seating areas.
 8. The Council argue that the number of barriers and their branding diminish the visual amenity of the CCA. Whilst I acknowledge that plain barriers were stipulated on a previous consent, this alone appears to have informed the Council's decision rather than any detailed consideration of the planning merits.
 9. When I visited the area I observed other examples of similar display barriers in the area most notably to the external seating area to the front of J Sheekey Restaurant a few metres away as well as those in Leicester Square and surrounding streets which are too numerous to list. I also noted a large bulky theatre hoarding which spans St Martin's Court at first floor level directly above one of the seating areas.
 10. It is also pertinent that the Council has already granted consent for 17 plain barriers of identical proportions. Accordingly, it is the effect of the branding logos on the barriers that is the issue rather than the barriers themselves. However the logos are small and unobtrusive and do not occupy an excessive proportion of the canvas. They do not draw the eye and unless viewed at close quarters the branding is not readily apparent.
 11. To my mind, with cognisance to site context and the consented scheme, I concur with the Appellant that the barriers have no noticeable additional visual impact than those already approved.
 12. In these circumstances, the character and appearance of the host building and CCA is preserved. I therefore conclude that the barriers are not detrimental to visual amenity. Accordingly there is no conflict with Policies S25 and S28 of "*Westminster's City Plan: Strategic Policies 2013*". Amongst other things, these seek an appreciation of local character and distinctiveness as well as the protection of heritage assets including conservation areas.

Conclusion

13. Based on the foregoing and having regard to all other matters raised, I conclude that the appeal should succeed.

D. M. Young

Inspector