
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: 22nd September 2016

Appeal Ref: APP/X5990/Z/16/3155202
Marylebone Flyover, London NW1 5BB.

- 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 Thomas Johnston (JC Decaux UK Limited) against the decision of City of Westminster Council.
 - The application Ref 16/02445/ADV, dated 11 March 2016, was refused by notice dated 16 June 2016.
 - The advertisement proposed is the removal of existing internally illuminated 6m x 3m advertising display (landscape format) to be replaced with an internally illuminated digital advertising unit (portrait format) 7.5m x 5m.
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Decision

1. The appeal is allowed and express consent is granted for the display of an internally illuminated digital advertising unit (portrait format) 7.5m x 5m 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 and the following additional conditions:
 - 1) The intensity of the illumination of the digital sign shall not exceed 300cd/m² between dusk and dawn.
 - 2) The digital sign shall not display any moving, or apparently moving, images.
 - 3) The sequential advertisements on the digital sign shall not change more than once every 10 seconds.
 - 4) Any sequential change between advertisements on the digital sign will take place over a period no greater than one second.
 - 5) Day time levels of luminance on the digital sign should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output to within acceptable limits.
 - 6) The footway and carriageway must not be blocked during the installation and maintenance of the signage panel. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic.
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Preliminary Matters

2. I have taken the site address and description of development from the Decision Notice as these are more precise than the versions provided in the Application Form.

Main Issue

3. The main issue is the effect of the advertising unit on the visual amenity of the area.

Reasons

4. The appeal site currently accommodates two internally illuminated advertisements. The smaller is 6m x 3m and the larger 12m x 3m with both elevated above the footway by approximately 2.8m. The proposal seeks to replace the smaller unit at the eastern end of the site with a larger digital unit which would enable the display of different static images to be controlled remotely. The change of orientation from landscape to portrait would increase the height of the display to 11.1m.
5. It is pertinent that the Council granted consent in January 2016 (Ref 15/10677/ADV) for the same type of digital display albeit of the same dimensions as the existing hoarding. Given therefore that the principle of a digital display has already been accepted on the site, it is the increase in size and height and the subsequent impact upon amenity that is the issue for the Council.
6. The surrounding area is dominated by the Marylebone Flyover, its junction with the A5 and associated slip roads. The immediate vicinity is distinguished by a wide array of building designs, heights and materials which flank both sides of the A40/A501. Taken as a whole the area lacks a coherent architectural approach and has a somewhat unplanned and irregular character. Based on the above, I do not consider the area is particularly notable or sensitive in streetscape or amenity terms.
7. When approaching from the east the smaller hoarding is located directly behind a large street tree which hampers views of it particularly in the summer months. It is perhaps more prominent when approaching from the west particularly when descending the elevated section of the flyover. From here the hoarding is seen in between two trees and against the backdrop of several high rise buildings to the rear.
8. There is little doubt that the changes to the size and orientation would increase the hoarding's prominence particularly from the flyover. However, that is clearly the intention as the existing hoarding currently lacks exposure. Although higher than the existing display, in most views it would still sit below the height of those buildings to the rear and the adjacent street trees. It would be sited well back from the A501 and therefore only visible in angled glimpses from the carriageway. The height, scale and overall bulk would not be out of keeping with its surroundings which in my view are sufficiently robust to accommodate the hoarding.
9. For the reasons given above, I conclude that the advertising display would not be detrimental to the interests of visual amenity. Accordingly there would be no conflict with Policy S28 of "*Westminster's City Plan: Strategic Policies 2013*".

This seeks an appreciation of local character and distinctiveness. I have re-imposed the 6 conditions that were attached to the January 2016 permission in the interests of public safety and to avoid the possibility of light pollution during the hours of darkness.

Conclusion

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

D. M. Young

Inspector