

Appeal Decision

Site visit made on 18 October 2016

by Alexander Walker MPlan MRTPI

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

Decision date: 11 November 2016

Appeal Ref: APP/K5600/Z/16/3156653

Holy Trinity Church, Sloane Street SW1X 9DE

- 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 Andrew Jordan of JCDecaux UK Ltd against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref CA/16/03306, dated 14 September 2015, was refused by notice dated 3 August 2016.
 - The advertisement proposed is the installation of internally illuminated double-sided freestanding forum structure, featuring 2 x Digital 84" screen on one side and a static poster advertisement panel on reverse.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the advertisements on the visual amenity of the area.

Reasons

3. The proposed digital screens and advertisements would be displayed on a bus shelter adjacent to the Holy Trinity Church, a grade I listed building, and within the Sloane Square Conservation Area (CA). The bus shelter would be situated in the approximate position of the existing shelter, directly adjacent to the frontage of the Holy Trinity Church.
 4. The CA comprises numerous period terraces centred around Sloane Square. Although properties along this stretch of Sloane Street vary in their design and style, they have a high degree of architectural detailing which collectively create a very attractive period streetscene. Existing advertisements along the street are generally modest in size and non-illuminated, respecting the character and appearance of the Conservation Area. Prominent in the streetscene is the Holy Trinity Church. The architectural and historic significance of the grade I listed building makes an important contribution to the overall character and appearance of the CA.
 5. The bus shelter would have two side panels each with a digital screen on one side and a static poster on the other. The existing bus shelter has glazed panels that are significantly narrower in width than the proposed. These panels allow largely uninterrupted views along the street, in particular preserving those that include the listed church and the nearby Sloane Square.
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The proposed panels would be solid and much wider. As a result they would block views along the street, add clutter and would be prominent and less restrained than the advertisements on the existing bus shelter and the other signs in the locality. Consequently it would harm the character and appearance of the CA.

6. Furthermore, owing to their position, size, commercial appearance and changing displays, the advertisements would interrupt views of the church and draw attention away from it, thus harming the setting of the listed building.
7. In their reasons for refusal, the Council have cited Policies L3, L4, CL11 and CR4 of the Royal Borough of Kensington and Chelsea Consolidated Local Plan 2015, which they consider to be relevant to this appeal. I have taken them into account as a material consideration. However, the power under the 2007 Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. Accordingly, whilst I have taken account of the Council's policies, they have not, by themselves, been decisive.
8. I find therefore that the proposal would represent a disruptive and incongruous addition to the streetscene that would significantly harm the character and appearance of the CA and the setting of the grade I listed building, thus harming the visual amenity of the area.
9. I acknowledge the benefits of the advertisements, including generating revenue for Transport for London to invest in transport infrastructure; the ability to utilise the digital screen as an emergency messaging service; and, the energy efficiency of the digital screens. I also appreciate that there would be no harm to public safety. However, individually or cumulatively, these matters do not outweigh the harm they would have on the visual amenity of the area.
10. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR