
Appeal Decision

Site visit made on 10 November 2016

by Neil Pope BA (Hons) MRTPI

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

Decision date: 17 November 2016

Appeal Ref: APP/X5990/Z/16/3156856

IFO Whiteleys, Queensway, London, W2 4YN.

- 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 Ltd against the decision of City of Westminster Council.
 - The application Ref. 16/04067/ADV, dated 15 April 2016, was refused by notice dated 12 July 2016.
 - The advertisement proposed is described as a *double sided freestanding Forum Structure, featuring 2 x Digital 84" screen positioned back to back. The Digital screen is capable of displaying illuminated, static and dynamic content, supplied via secure remote connection. In the event of an emergency, TfL will be able to override the advertisement function (sic) and display an 'Emergency Message', alerting the public of immediate danger.*
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Decision

1. The appeal is allowed and advertisement consent is granted for a double-sided advert panel comprising LED screens (2370mm x 1338mm) 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 condition:

the advertisements displayed shall be a series of static images, which individually feature no moving elements, dynamic displays or motion pictures and the speed of change between one static image and the next shall be no quicker than 12 seconds.

Preliminary Matter

2. A more concise description of the proposal is a double-sided advert panel comprising LED screens (2370mm x 1338mm).

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Queensway Conservation Area (QCA) and preserve the setting of the grade II listed building known as 'Whiteley's Store'.

Reasons

4. The proposed advertisement would be attached to a bus shelter adjacent to and within the setting of the above noted listed building and within the QCA. The proposal would be capable of displaying travel status updates for TfL, tourist information and commercial messaging. The display panels would be positioned at right angles to the road and would not display moving content.
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5. I have had regard to the Council's Conservation Area Audit Supplementary Planning Document (SPD). As I noted during my visit, the QCA is overtly commercial in character with very many shops¹ and a multitude of advertisements, including some internally illuminated signs. The vibrancy of Queensway makes a positive contribution to the character and amenity of the area. Much of the street furniture, including bus shelters / stops, makes a neutral contribution to the townscape qualities of the area.
6. Whiteley's Store² is a substantial Portland stone faced building within the QCA. Its design includes twelve main bays (window displays) to Queensway, giant fluted Doric order columns and bronze balconies. The significance of this listed building is derived primarily from its architectural qualities and its historic interest as an early 20th century department store. This heritage interest and the architectural qualities of other Edwardian and Victorian buildings nearby also make a positive contribution to the character and amenity of the QCA.
7. During my visit, I noted several vacant shop units within Whiteley's Store. Some window displays in the Queensway frontage of the building were somewhat sterile and footfall along this section of the street appeared to be lower than the section of Queensway to the south of Porchester Gardens. The Council has described the section of the street where the appeal site lies as having a "*muted subdued character*". Whilst this type of character may contribute to amenity in the section of Queensway to the north of Westbourne Grove where the area is more residential, it is not a positive aspect of the character or amenity of the commercial (retail) area around the appeal site.
8. The proposed advertisement would be seen in association with neighbouring retail premises and other advertisements and window displays in Queensway. It would add to the vibrancy of this section of the street without adversely affecting the significance of the QCA. This very minor addition to the setting of Whiteley's Store would not diminish its commercial character or interrupt an appreciation of the architectural qualities or historic interest of this listed building. Whilst this new illuminated advertisement would be more apparent during the hours of darkness, it would not be a discordant addition to the street scene that includes street lighting, lighting to shop fronts / window displays and a multitude of existing illuminated advertisements in this commercial area.
9. The proposal would not harm the character or appearance of the QCA and would preserve the setting of 'Whiteley's Store'. The amenity of the area would not be adversely affected and there is nothing of substance to indicate that public safety would be compromised. As a consequence, there would be no conflict with the SPD and the development plan policies that have been drawn to my attention insofar as they are material to the determination of this appeal. The appeal should therefore succeed.
10. In the interests of public safety a condition would be necessary to control moving elements within the adverts and the speed at which images would change. As the drawings show a black / dark grey coloured painted frame to the advertisement screen a condition to this effect would be unnecessary.

Neil Pope
Inspector

¹ There is a wide range of building styles, mainly from the Victorian period to the mid-20th century.

² Built between 1908-12 as a department store and now a shopping centre.
