The Planning Inspectorate

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/16/3155145
OS 72, Park Lane, London, W1K 7LG

- 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 Mohamed Ahmed of JCDecaux UK Ltd against the decision of City of Westminster Council.
- The application Ref. 16/02610/ADV, dated 22 March 2016, was refused by notice dated 23 June 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 and display an 'Emergency message' alerting the public of immediate danger.*

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 Mayfair Conservation Area (MCA).

Reasons

4. The proposed advertisement would be attached to a bus shelter on the eastern side of Park Lane. It 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. The site lies within the MCA. I have had regard to the Council's 'Mayfair Conservation Area' leaflet.

5. The MCA is a sizeable area that has a mixed character and appearance. It includes fashionable 18th, 19th and 20th century town houses and their mews, large blocks of flats, hotels and offices, as well as shopping streets, such as Savile Row, New Bond Street and sections of Oxford Street. In the main, the streets around the edge of the MCA are more commercial in character than the rest of the area. It appears to me that the significance of the MCA is derived primarily from the architectural qualities of the town houses and the historic layout of the streets. These contribute much to the amenity of the area.

6. Park Lane forms the western edge of the MCA. Immediately alongside the appeal site there is a car dealership and nearby there is a small petrol filling station and a convenience store. Whilst advertisements in this part of the street are somewhat restrained, the site lies within a commercial part of the MCA and is adjacent to a very busy main road. As I noted during my site visit, there is a wide range of advertisements within the MCA, including similar advertisements to the one proposed on some other bus shelters.

7. The proposed advertisement would be a very minor addition to the street scene. It would be viewed as an integral part of a modern bus shelter and would not be unexpected immediately alongside this passenger facility in this busy commercial street. The proposal would not detract from the architectural qualities of neighbouring buildings or erode the special qualities of the MCA. It would not result in advertisement excess or clutter. The amenity of the area would be unaffected.

8. Those using Park Lane are accustomed to seeing adverts as they move through this part of London and are unlikely to be distracted by the proposal. However, as suggested by the Council, 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 application shows a black / dark grey coloured painted frame to the advertisement screen a condition requiring the frame to be painted in such colours would be unnecessary.

9. The proposal would not harm the significance of the MCA or any other heritage asset. There would be no adverse effect upon the amenity of the area. There would be no conflict with the aims and objectives of the development plan policies that have been drawn to my attention insofar as they are relevant to this appeal. The proposal would accord with the provisions of paragraph 67 of the National Planning Policy Framework.

10. I note that a number of appeals for similar advertisements have been dismissed elsewhere within Westminster. I also not that the Council has permitted the same type of advertisements on other sites. This demonstrates that each case must be determined on its own merits. None of these previous decisions set a precedent that I must follow.

11. I conclude that the proposal would preserve the character and appearance of the MCA. The appeal should therefore succeed.

Neil Pope

Inspector