
Appeal Decision

Site visit made on 8 November 2016

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 24th November 2016

Appeal Ref: APP/K5600/Z/16/3157777
150 Ladbroke Grove, London, W10 5NE

- 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 Ashley Smatt at King Media Ltd against the decision of The Royal Borough of Kensington and Chelsea.
 - The application Ref CA/16/03094, dated 16 May 2016, was refused by notice dated 12 July 2016.
 - The advertisement proposed is Micromesh PVC advertisement banner (8m wide x 9.5m high).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal relates to an advertisement banner sought for a temporary period for the 2016 Notting Hill Carnival. The Council dealt with the proposal on this basis. I have had regard to the appellant's submissions, including the identified constraints of the online application form, which suggests that an annual temporary consent was sought. However, there is no specific evidence before me that the original application was for an annual implementation for a temporary period.
3. While I am fully aware that the 2016 Notting Hill Carnival has been held, I have in any event dealt with the appeal as submitted and not for an annual implementation period. To do otherwise would be potentially prejudicial in terms of fairness to the Council and other potentially interested parties who may have wished to express a view on such a proposition.

Main Issue

4. The main issue is whether the proposed temporary sign would preserve or enhance the character and appearance of the Oxford Gardens Conservation Area.

Reasons

5. The appeal proposal would introduce a sign of 9m in height by 8.5m in width to the side gable of No 150 Ladbroke Grove, a 19th century 4-storey brick built end of terrace building. There the ground floor is in retail use, and the upper floors appeared to be in residential occupation. The appeal property is situated on the junction of Ladbroke Grove and Cambridge Gardens.
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6. Ladbroke Grove is a busy main road which is lined with retail and commercial premises, many of which include residential uses to the upper floors. The significance of the Conservation Area is derived from the development of the area as a suburb during the 19th century following the expansion of the railways. While a number of properties have been altered, there is a general consistency in terms of the overall character and form of buildings in the area through their height, materials and architectural detailing. The age and architecture of No 150 is consistent with that character and coupled with its prominent location within the street scene, I find that No 150 positively contributes to the character and appearance of the Conservation Area.
7. Advertising is not uncommon within the locality, however signage is typically small in scale and is usually restricted to ground floor level. The proposed sign, which has been purposely designed to fill the blank area of this flank wall, would obscure a significant proportion of the building, and would conceal architectural detailing such as the string courses at second and third floor level.
8. Consequently, it would appear as an overly dominant and intrusive feature in relation to the building and as experienced from within the wider street scene, and would be significantly at odds with the character of the locality. The illumination of the sign would also further compound its prominence, particularly at night time. As an incongruous addition, I consider that the proposals would result in unacceptable harm to the character and appearance of the Conservation Area.
9. I acknowledge the cultural significance of the Notting Hill Carnival and I accept that the harm would be tempered by the temporary short term nature of the sign. However, even taking into account the vibrant and commercial character of the area as experienced during these celebrations, I am not persuaded that the sign would be indicative of the cultural change experienced during the carnival, or that the significance of the Conservation Area, based on its historic development and architecture, is modified or altered during this period so as to negate the harm I have identified.
10. Powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of the provisions of the development plan, so far as they are material. The Council have drawn my attention to policies CL1, CL2, CL3, CL11 and CR4 of the Royal Borough of Kensington and Chelsea Consolidated Local Plan 2015 (LP). I have taken into account LP Policy CR4 which seeks to protect amenity and so is material in this case. Given I have found that the proposal would harm amenity, the proposal conflicts with this policy.
11. Other LP policies cited by the Council relate to 'development' and advertisements would not come under the definition of this. Nonetheless, in considering the effect on amenity there is a statutory duty under section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. As I have stated above, the proposal would cause harm in this respect.

Conclusion

12. I therefore conclude that the proposed sign would cause harm to the character and appearance of the Oxford Gardens Conservation Area. For the reasons

above, taking into account all other matters raised, the appeal should therefore be dismissed.

C Searson

INSPECTOR