

Appeal Decision

Site visit made on 6 December 2016

by L Fleming BSc (Hons) MRTPI

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

Decision date: 21 December 2016

Appeal Ref: APP/K5600/Z/16/3156284

Daska House 234 King's Road, London SW3 5UB

- 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 Ewing (Metro Bank PLC) against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref CA/16/03005, dated 12 May 2016, was refused by notice dated 27 June 2016.
 - The advertisement proposed is illumination of existing signage, comprising 2 x projecting signs, 3 x fascia signs and accompanying surround.
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Decision

1. The appeal is allowed and express consent is granted for the display and illumination of existing signage, comprising 2 x projecting signs, 3 x fascia signs and accompanying surround 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 conditions:
 - 1) The maximum steady brightness of the illumination of the advertisements hereby permitted shall not exceed 540 candelas per square metre.
 - 2) The illumination of the advertisements hereby permitted shall not at any time be intermittent.

Main Issue

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

Reasons

3. The appeal premises are the ground floor of a building located on the corner of King's Road and Sydney Street. The Council have already granted advertisement consent¹ for the display of adverts including two non-illuminated projecting signs, three fascia signs, two of which have internally illuminated lettering. This consent was subject to the five standard conditions set out in the Regulations and additional conditions which limit the brightness of the illumination, ensure the illumination is not intermittent and restricts the illumination to within the opening hours of the business. This scheme has been implemented.

¹ Council Reference CA/16/0197

4. The appeal proposal effectively seeks advertisement consent for the illumination of two projecting signs and the illumination of three fascia signs, with the hours of illumination of all signage unrestricted.
5. The appeal premises are within the King's Road District Shopping Centre where the ground floors of the majority of the premises nearby are in commercial use. I have considered the appellant's evidence which demonstrates that there are numerous premises on King's Road relatively close by which have adverts of a similar scale to those proposed some of which are illuminated.
6. I acknowledge the appeal site is in a prominent corner position and is visible from the Cheyne, the Royal Hospital and the Chelsea Conservation Areas. However, on the basis of the evidence before me, I find illuminated advertisements of varied size and form are a common characteristic of the area.
7. The proposed illuminated adverts would be in proportion with the shop frontage and would be viewed alongside other commercial premises nearby some of which have illuminated adverts. Therefore, the proposed illuminated adverts would not appear out of place and would not therefore harm the visual amenity of the area or the setting of the Conservation Areas.
8. For the same reasons, the proposed illuminated adverts would accord with the development plan, specifically Policies CL1, CL2, CL11 and CR4 of the Consolidated Local Plan of the Royal Borough of Kensington and Chelsea (2015) which seek to ensure good design, protect and enhance views and safeguard the overall character and quality of an area.

Conditions

9. In addition to the standard conditions set out in the Regulations, I have considered the non-standard conditions suggested by the Council having regard to the advice on imposing conditions in the Planning Practice Guidance.
10. I agree a condition is necessary to ensure the illumination remains at an appropriate level of brightness in the interests of the visual amenity of the area. Furthermore, for the same reason and to ensure public safety a condition is also necessary to ensure none of the proposed adverts are illuminated intermittently.
11. However, there is no substantive evidence before me which demonstrates why the illumination of the adverts needs to be restricted to the opening hours of the business. On the contrary, I have considered the evidence which demonstrates that there are a number premises nearby which have adverts illuminated outside of business opening hours. I therefore find a condition which restricts the illumination to the opening hours of the business is not necessary in this commercial location.

Conclusion

12. For the reasons given above, having had regard to all other matters raised, the appeal is allowed.

L Fleming

INSPECTOR