

Appeal Decision

Site visit made on 13 December 2016

by C L Humphrey BA (Hons) DipTP MRTPI

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

Decision date: 22nd December 2016

Appeal Ref: APP/X5990/Z/16/3156785

**Bus Stop No 16972, Bishop's Bridge Road, London W2 6AG
(Easting 525893 Northing 181340).**

- 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 JCDecaux against the decision of City of Westminster Council.
 - The application Ref 16/03492/ADV, dated 6 April 2016, was refused by notice dated 18 July 2016.
 - The advertisement proposed is described as 'Single freestanding Forum Structure, featuring a double sided Digital 84" screen at one end of the bus shelter. The Digital screen is capable of displaying illuminated, moving images and content is supplied via secure remote connection. TfL will utilise 15% of Digital screen broadcast time to display public service information. 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.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Notwithstanding the description of the appeal proposal set out in the banner heading above, which is taken from the application form, a more concise description of the proposal is display of a double-sided advertisement panel consisting of LED screens (2370mm x 1338mm) attached to the bus shelter.

Main Issue

3. The main issue is the effect of the appeal proposal on amenity.

Reasons

4. The appeal site is located on the north side of Bishop's Bridge Road near the junction with Porchester Terrace North. The site is within Bayswater Conservation Area (the Conservation Area) and opposite the grade II listed Hallfield Estate, which consists of a series of 1950's residential blocks set in landscaped grounds.
 5. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
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6. The Conservation Area is characterised by wide tree lined terraces, crescents and squares of predominantly 19th century formal and restrained residential development. The section of Bishop's Bridge Road where the appeal site is located has residential development on both sides. The road and pavements are wide, street trees create a leafy appearance, and it is generally free from clutter and commercial advertisements. This provides an attractive vista looking east, and contributes to the character and appearance of the Conservation Area and the setting of the listed Hallfield Estate.
7. The illuminated frequently changing commercial images displayed on the appeal proposal would be seen against the muted backdrop of the residential Bishops Court block, and would appear at odds with the subdued residential character of the immediate area. As such, the proposed advertisements would appear as prominent, discordant and visually intrusive features in the street scene, and would thus fail to preserve or enhance the character and appearance of the Conservation Area and, to a limited extent, detract from the setting of the grade II listed Hallfield Estate. I therefore conclude that the appeal proposal would have a harmful effect on amenity.
8. In accordance with the Regulations¹, I have taken into account the provisions of the development plan so far as they are material. Policies S25 and S28 of Westminster's City Plan and DES 1, DES 8, DES 9 of the City of Westminster Unitary Development Plan seek to protect amenity and so are material in this case. I have concluded that the advertisement would harm amenity, and therefore the appeal proposal conflicts with these policies. For the same reason, the proposal would be contrary to the provisions of paragraph 67 of the National Planning Policy Framework.

Conclusion

9. I note the appellant's arguments regarding the benefits of the appeal proposal in terms of the display of live travel updates, tourist and public information and the use of modern cleaner and greener technology. However, these matters do not outweigh the harm I have identified.
10. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

C L Humphrey

INSPECTOR

¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007.