The Planning Inspectorate

Appeal Decision

Site visit made on 4 January 2017

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 17th January 2017

Appeal Ref: APP/X5990/Z/16/3156434
Opposite Fine & Country, Park Lane, London W1K 7AG

- 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 UK Ltd against the decision of City of Westminster Council.
- The application Ref 16/02608/ADV, dated 22 March 2016, was refused by notice dated 16 June 2016.
- The advertisement proposed is described as a *double fronted freestanding forum structure, featuring 2 x digital 84" screens 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 dismissed.

Main Issues

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Royal Parks Conservation Area and, linked to that, the effect of the proposal on the setting of the Grade l Registered Hyde Park.

Reasons

3. The proposed advertisement would form an integral part of a new bus shelter located at the northern end of Park Lane, on its western side, immediately adjacent to Hyde Park. The proposal, which comprises a double sided advertisement panel with LED screens, would display commercial advertisements as well as live travel status updates for TfL and tourist information. The illuminated advertisements would not display moving content but images on the internal facing panel would be capable of sequential change.

4. The significance of the Royal Parks Conservation Area, within which the site is located, lies in its historic development from the mid-18th –mid 19th century as well as from its quiet character. The parks, including Hyde Park, provide opportunities for outdoor recreation for residents and visitors to London and also provide a tranquil setting for the buildings which surround them. The tranquillity of the parks, and lack of commercial activity within them, provides a distinct contrast to the urban environment surrounding them. The quality

and significance of Hyde Park is demonstrated through its being Registered Grade I.

5. The north and south bound lanes of Park Lane at this point are physically separated by a long area of open land and it seems to me that the two sides of the road have a distinct character. Whilst substantial buildings with active commercial frontages abut and enclose the east side of Park Lane, the west side is framed by Hyde Park and has a more open character. The road itself is very busy with traffic but, unlike the east side, commercial activity is limited and illuminated signs are uncommon.

6. By its very nature, the signage is designed to attract attention and in such a setting the proposed large illuminated advertisements would appear prominent to the extent that they would be intrusive. Consequently the proposal would be a harmful element in the setting of the historic park. I accept that the advertisements would form an addition to the highway network. Nevertheless, in the general absence of such urban signage currently, the advertisements would introduce a further element of visual clutter that would neither preserve nor enhance the character or appearance of the Conservation Area, which centres on the park.

7. I acknowledge that there are benefits of the scheme, particularly in terms of alerting members of the public to incidents. However, I am unconvinced that advertisements of the size and nature proposed are required for this purpose or that such a benefit could not be achieved in a less sensitive location. I also acknowledge that the revenue generated by the advertisements would be reinvested in the public transport network. However, such benefits would not outweigh the harm to the historic environment, harm which, because of the high level of significance of the heritage asset, carries great weight.

8. In its decision, the Council refers to a number of development plan policies[1]. Whilst not decisive in an advertisement appeal, I have had regard to these policies which in various ways seek to conserve heritage assets including conservation areas and historic parks. I note that the policies specifically seek to protect the historic integrity of the parks, views into and out of them and to safeguard their appearance and wider setting. For the above reasons the proposal would conflict with these policies.

9. Whilst there is no reason that the proposed advertisement would be harmful to public safety, for the reasons set out, I conclude that the advertisement would neither preserve nor enhance the character or appearance of the Royal Parks Conservation Area and would harm the setting of the Grade I Registered Hyde Park.

10. Taking into account all other matters raised, the appeal is therefore dismissed.

S Ashworth

INSPECTOR

[1] Policies S25 and S28 of Westminster's City Plan: Strategic Policies 2013, and policies DES 7, DES 8, DES 9, and DES 12 of the City of Westminster Unitary Development Plan 2007.