

Appeal Decision

Site visit made on 4 January 2017

by Ian McHugh Dip TP MRTPI

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

Decision date: 19 January 2017

Appeal Ref: APP/K5600/Z/16/3163370

Shop at 42 Ledbury Road, London W11 2AB

- 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 Joel Sraer, Seward SAS, against the decision of the Royal Borough of Kensington and Chelsea.
 - The application Ref CA/16/04967, dated 28 July 2016, was refused by notice dated 30 September 2016.
 - The advertisement proposed is illuminated signage.
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Decision

1. The appeal is allowed and express consent for the display of the advertisements as applied for is granted. 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 additional conditions:-
 - 1.The illumination of the advertisements hereby approved shall not exceed 685 candelas per square metre.
 - 2.The advertisements hereby approved shall only be illuminated during the opening hours of the premises.

Main Issue

2. The main issue is the effect on the character and appearance of the area, including the effect on the Pembridge Conservation Area (CA).

Reasons

3. The appeal property is a ground-floor retail unit, which is situated within the Westbourne Grove Special District Centre. It is also located within the CA. The centre is a busy and vibrant commercial area, comprising retail shops and other commercial properties. These business premises are primarily located along Ledbury Road and Westbourne Grove. Many of the upper floors, including those above the appeal property, are in residential use.
4. The CA is characterised in the main by buildings of a traditional appearance. Whilst a number of the shopfronts have been altered, most of these still retain a simple or traditional appearance, which is sympathetic to the character of the CA. Advertisements on the commercial properties also tend to be relatively unobtrusive in terms of their size, positioning and design. Although my attention has been drawn to illuminated signage within the CA, I noted during

my site visit (which was late afternoon, during hours of darkness) that the majority are non-illuminated. However, where illumination did exist, the signage was largely unobtrusive and it did not, in my opinion, detract from the character or appearance of the area.

5. The proposal is to install an illuminated fascia sign and an illuminated projecting sign. The fascia sign would contain halo illuminated lettering and the projecting sign would be lit by concealed trough lighting. The projecting sign would be positioned below fascia level, which is contrary to the advice contained within the Council's Supplementary Planning Document – Shopfront Design (SPD). This states that projecting signs should "preferably" be located at fascia level.
6. The Council accepts that the design and appearance of the proposed signage is acceptable. However, it considers the illumination to be unacceptable in principle. The Council argues that the proposal would conflict with Policies CL1, CL2, CL3 and CL6 of the adopted Consolidated Local Plan 2015. These policies seek to ensure (amongst other things) that proposals respect existing context and character; improve the quality and character of buildings and their surroundings; and preserve or enhance conservation areas.
7. Regulation 3 of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007, requires that applications for advertisements must be considered with regard to amenity and public safety. I note that no objections have been raised by the Council or others in relation to matters of safety and I have no reason to take a different view.
8. With regard to amenity, I have given careful consideration to the Council's concerns with respect to the principle of illumination and to the positioning of the proposed projecting sign. In terms of illumination, I note that the Council's SPD does not preclude illumination, but gives guidance on the preferred style and form of any illuminated signage. It does state that illuminated projecting signs will be resisted, but in general terms, external illumination in the form of halo lighting and external illumination is preferred. In that regard, the proposal would accord with the SPD guidelines.
9. In my opinion, the proposed illumination of the fascia and projecting signs would be relatively subdued and low key. Only part of the fascia would contain lettering, identifying only the name of the trader. I consider that the illumination overall would not have a harmful effect on either the character or appearance of the streetscene, or on the CA. Furthermore, I am satisfied that the conditions suggested by the Council's Environmental Health Officer would ensure that the proposal does not have an adverse effect on the living conditions of the occupiers of the upper floors of the building and other neighbouring properties.
10. Turning to the positioning of the proposed projecting sign, I noted during my site visit that there are examples of existing projecting signs positioned below fascia level on other premises along Ledbury Road. In my view, these do not appear to be out of context or harmful to the character or appearance of the area. The proposed projecting sign would comply with the Council's SPD, in terms of its overall size and height above ground level. Accordingly, I consider that it would be acceptable in relation to the existing building and its surroundings.

Conditions

11. In addition to the five standard conditions that are automatically imposed in accordance with Schedule 2 of The Regulations, I have imposed two further conditions relating to the intensity and hours of illumination. These conditions were recommended by the Council's Director of Environmental Health and I consider them to be necessary in the interests of residential amenity.

Conclusion

12. For the reasons given above, it is concluded that the appeal should be allowed.

Ian McHugh

INSPECTOR