
Appeal Decision

Site visit made on 16 January 2017

by C L Humphrey BA (Hons) DipTP MRTPI

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

Decision date: 19th January 2017

Appeal Ref: APP/X5990/Z/16/3158034
354-358 Oxford Street, London W1C 1JJ

- 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 Blow Up Media against the decision of the City of Westminster Council.
 - The application Ref 16/07823/ADV, dated 15 August 2016, was refused by notice dated 1 September 2016.
 - The advertisement proposed is 'Temporary decorative advertising shroud screen advertisement.'
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is located on the north side of Oxford Street at the junction with Stratford Place. The site comprises a temporary structure extending to the equivalent of 5 storeys surrounding works taking place at Bond Street underground station as part of the Crossrail development.
 4. The site lies within the Stratford Place Conservation Area (the Conservation Area). Stratford Place is the most unified part of the Conservation Area and retains its essential historic character. It is a short street closed by the stone faced Oriental Club, a Grade I listed building, which is prominent in views into the Conservation Area from Oxford Street. The street is flanked by two stock brick and stucco terraces of grand town houses, including the Grade II listed terrace at 2-7 Stratford Place. On the other side of the junction with Stratford Place is the Grade II listed building at 360-366 Oxford Street.
 5. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
 6. The appeal proposal would comprise a 1:1 image of the building to be developed on the site, with an inset advertising area measuring 10m x 7.5m and externally lit by downlights.
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7. My attention has been drawn to the Planning Practice Guidance¹ (the PPG), which states that buildings which are being renovated or are undergoing major structural work and which have scaffolding or netting around them may be considered suitable as temporary sites for shroud advertisements or large 'wrap' advertisements covering the face, or part of the face, of the building.
8. However, as set out in the Regulations², advertisements should be subject to control in the interests of amenity and public safety, and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. Therefore, as the PPG³ explains, if the locality where an advertisement is to be displayed has important scenic, historic, architectural or cultural features, consideration should be given to whether it is in scale and in keeping with these features.
9. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material. Of particular relevance to the appeal proposal, Policy DES8 of the City of Westminster Unitary Development Plan (UDP) states that consent will not normally be granted for permanent or temporary advertising hoardings or shrouds, unless they are sensitively related to its local context, with a minimum of obvious or intrusive commercial advertising content or display.
10. Although Oxford Street is a busy commercial street, I observed during my site visit that the majority of advertisements are associated with the retail and commercial uses located at ground floor level. I did not note any other advertisements of a similar scale to that proposed on the upper floors of buildings in the surrounding area.
11. Furthermore, whilst the appeal site is located on the southern edge of the Conservation Area it is situated at the entrance to a key view into Stratford Place from Oxford Street, and also has a close physical and visual relationship with nearby listed buildings and their setting. As such, the context of the appeal site is highly sensitive.
12. I note that the appeal proposal is a revised scheme following a previous appeal decision (Ref APP/X5990/Z/16/3144177) on an earlier application, and that the size of the proposed inset advertising area has been reduced and would now cover less than 10% of the total shroud on the Oxford Street elevation and be sited further from Stratford Place.
13. Nevertheless, by reason of its size, siting and illumination, the proposed shroud screen advertisement would result in a large, conspicuous and discordant intrusion into the street scene which, in views along Oxford Street from both the east and the west, would be seen in the context of neighbouring listed buildings and the Conservation Area. As such, the appeal proposal would fail to preserve or enhance the character and appearance of the Conservation Area and would harm the setting of the listed buildings at 2-7 Stratford Place, 360-366 Oxford Street and 11 Stratford Place.
14. The proposed 1:1 image of the building would add interest to the street scene during the construction period. However, these benefits would be outweighed

¹ Paragraph: 005 Reference ID: 18b-005-20140306.

² Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

³ Paragraph: 079 Reference ID: 18b-079-20140306.

by the harm that would result from the proposed inset advertisement. Whilst the advertisement would only be displayed for a temporary period, this is not sufficient justification to allow a proposal which would have a harmful effect on amenity in this sensitive location.

15. The appellant makes reference to a recent appeal decision in Westminster. However, I have not been provided with details of that case and, as such, I can attach little weight to the Inspector's findings. In any event, I am required to reach conclusions based on the individual circumstances of this appeal.
16. Overall, for the reasons set out above, I conclude that the appeal proposal would have a harmful effect on amenity. As such, it would conflict with Policies S25 and S28 of Westminster's City Plan and UDP Policies DES 8, DES 9 and DES10 which seek to protect amenity and so are material in this case. For the same reason, the proposal would be contrary to the provisions of paragraph 67 of the National Planning Policy Framework.

Conclusion

17. 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