
Appeal Decision

Site visit made on 5 January 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 20 January 2017

Appeal Ref: APP/K5600/Z/16/3157322

143 to 145 Kensington High Street, London W8 6SU

- 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 Paul Muir of Blow Up Media against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref CA/16/04118, dated 22 June 2016, was refused by notice dated 24 August 2016.
 - The advertisement proposed is a temporary scaffold shroud screen advertisement printed on PVC comprising an inset advertising area (measuring 11m x 9m externally lit) set within a 1:1 image of the building façade – extension to period of previous consent CA/15/06547 until 31st December 2016.
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Decision

1. The appeal is allowed and express consent is granted for the display of the “temporary scaffold shroud screen advertisement printed on PVC comprising an inset advertising area (measuring 11m x 9m externally lit) set within a 1:1 image of the building façade”, as applied for. The consent is from the date of this decision until 30 April 2017 and is subject to the five standard conditions set out in the Regulations and the following additional conditions:-
 - 1) The advertisement hereby granted consent shall not be retained on the site after 30 April 2017.
 - 2) No more than four lights shall be used in association with the illuminated advertisement hereby permitted. They shall be evenly spaced along the frontage above the advertisement.
 - 3) The advertisement permitted by this consent shall not be illuminated before 07:00 or after 23:00 on any day.
 - 4) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 400 candelas per square metre.

Procedural Matters

2. The description of the advertisement includes reference to the proposed end date for its display. That date was prior to my site visit however the appellant has confirmed that he wishes for the appeal to proceed to a decision and that a period to end of April is now requested. The date does not describe of the advertisement and so I have omitted reference to it within the heading above.
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Main Issue

3. Under the regulations it is necessary for me to consider the appeal in the interests of amenity and public safety. The Council has not raised concerns about public safety. The main issue is therefore the effect of the advertisement on the visual amenity of the building and surrounding area.

Reasons

4. In assessing the main issue, I will pay special attention to the desirability of preserving or enhancing the character or appearance of the Edwardes Square, Scarsdale and Abingdon Conservation Area (CA1) as well as the setting of the neighbouring Kensington Conservation Area (CA2). The boundary of CA2 runs along the centre of Kensington High Street. I have taken into account the development plan policies referred to by the Council but given the requirements of the regulations, they are not determinative in themselves.
5. At the time of my site visit scaffolding was in place along the fronts of the prominent 4 storey buildings. Although this scaffolding is prominently viewed from the road, it is clear that the impact upon the visual character of the buildings is intended to be temporary. The function of the scaffolding is obvious and does not look unusual or out of place within the built environment. There was no advertisement or other shroud around the scaffolding at that time. However the scaffolding does partially obscure the ornate traditional front of the building which is similar to those around it.
6. As well as the neighbouring traditional buildings there are modern buildings nearby. This is a mainly commercial area and there are many advertisements which are generally smaller and primarily in shop windows and along fascias of those properties, some of which are illuminated. Advertising above fascia level of commercial properties is less common and the character of the architecture predominates.
7. The proposed shroud would cover the scaffolding and the illuminated advertisement would intentionally draw attention towards it rather than the building or neighbouring buildings. The advertising area would be surrounded by an image which attempts to replicate the front of the building. When an advertisement is not displayed, the image would cover the whole shroud.
8. A previous appeal allowed a similar proposal for a temporary period until 13 December 2015 (APP/K5600/H/14/2224820). The Inspector in that case considered that taking account the negative impact of the scaffolding and that it would be for a temporary period, the advertisement would preserve the character and appearance of CA1 and CA2. I agree that the proposal would be harmful to the character and appearance of the area but no more harmful than the existing scaffolding. The advertisement is therefore justified whilst the work to the building requires the external scaffolding.
9. The Council confirms that the scheme was implemented and they approved a further application to allow its retention until 1 June 2016. The further application submitted due to the expiry of the second temporary period and subsequent refusal led to the current appeal.
10. The appellant states that the outstanding works still required are the external washing of the front elevation; remedial works to the stone and lead capping to the cornice. This work was expected to be completed by the end of December

2016 which has now extended until the end of April. The reasons for the overrun are not explained in detail.

11. I can understand the Council's frustrations that the advertisement is required for longer than was anticipated but the scaffolding will remain in place whether or not I allow this appeal. I have no compelling evidence to suggest that the Council can prevent the scaffolding from remaining or that there is any unreasonable reason for the delays in completing the building work. Based upon the provided evidence, if I were to dismiss this appeal the appearance of the building would still be obscured by the scaffolding.
12. Overall in relation to the main issue, I consider that the illuminated temporary scaffold shroud screen advertisement would preserve the present visual amenity of the building and surrounding area including CA1 and CA2.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed as the proposed illuminated scaffold shroud would not be detrimental to the interests of amenity or public safety. In addition to the five standard conditions set out in the Regulations I have imposed three special conditions, relating to the lights proposed and the hours and intensity of illumination, on amenity grounds. I have also imposed a further condition to ensure that the advertisement is removed after the temporary consent expires. These conditions reflect those attached to the previous consents.

A Harwood

INSPECTOR