
Appeal Decision

Site visit made on 3 January 2017

by A A Phillips BA (Hons) DipTP MTP MRTPI

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

Decision date: 03 February 2017

Appeal Ref: APP/X5990/Z/16/3156251

Westbourne Park Bus Garage, Great Western Road, City of Westminster, London W9 3NW

- 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 Ken Fennell of Tower Transit Operations Ltd against the decision of City of Westminster Council.
 - The application Ref 16/03831/ADV, dated 27 April 2016, was refused by notice dated 16 June 2016.
 - The advertisement proposed is a single sided digital LED advert set within an architecturally designed patinated steel cladding structure, mounted to the existing bus depot. The advertising is designed to be visible to westbound traffic on the A40, Western Avenue.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the date of the refusal to grant express consent the local planning authority has adopted Westminster's City Plan Consolidated with all changes since 2013 – November 2016 (the Consolidated LP). Policies S28, S29 and S37, which are referred to in the decision notice, are unaltered in the Consolidated LP.

Main Issues

3. I consider the main issue in this case to be the effect of the proposed advertisement on the visual amenity of the area.

Reasons

4. Westbourne Park Bus Garage is located on Western Road and is a large red brick building that extends underneath, adjacent to and above the A40. The upper levels of the building are mainly blank red brick walls and there is a range of telecommunications equipment currently mounted on the roof.
 5. I have noted that the A40 has regularly been identified as a suitable location for advertisements due to it being such a busy arterial route to and from London. Indeed, a small internally illuminated advertisement is displayed at a high level on the east facing elevation of the bus garage. Furthermore, a total of twelve other applications for advertisements on this building and a planning application for a structure to support an advertisement have been submitted,
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all of which have been refused and ten of which have been dismissed at appeal. The most recent of these decisions was in 2005.

6. The immediate surroundings are characterised by a range of mainly commercial and transport infrastructure uses, although there are some nearby residential properties on Great Western Road and on the opposite side of the Grand Union Canal, which is part of Westminster's Blue Ribbon Network providing respite from the built-up nature of the city.
7. The proposal is for a large single sided LED media display which would measure 3.5 metres by 14 metres and would be set within a patinated steel cladding structure which would be added to the highest part of the bus garage. The advertisement would be positioned to be visible to westbound motorists on the adjacent elevated section of the A40. The cladding system is intended to integrate with its surroundings and to ensure views of the advertisement are restricted to the target audience. The digital display would show advertisements that would change sequentially no less than every ten seconds.
8. In this case, as a consequence of the location, size, method of illumination and elevated position of the advertisement it would appear as an overly large, incongruous and visually intrusive feature from a number of places in the area. This includes residential properties in relatively close proximity to the north and the canal with its associated towpath. Furthermore, although some views of the site are filtered by existing buildings and trees, from parts of the surrounding area, including from residential properties to the north, the proposal would project over the profile of the existing buildings, highlighting its incongruity with its surroundings.
9. Although the cladding would be constructed from high quality materials and has been designed to create a bold and innovative structure, I consider that it would have a poor relationship to the existing building and would not present a strong architectural response to its location on the bus garage. Rather than serving as a means of integrating the advertisement with the garage, it would have the appearance of extended steel plant screening, adding to the dominant, incongruous and out-of-scale nature of the proposal. There may be some benefits in terms of screening the existing roof top telecommunications equipment and a nearby wall extensively covered with graffiti. However, these do not outweigh my concerns regarding the effect of the proposal on the visual amenity of the area.
10. The proposed method of illumination and the effect of the changing static images would be prominent, particularly at night, from nearby properties and the canal, constituting further visual intrusion. The appellant contends that the illumination will create visual interest appropriate to the area that will enhance local amenity and that light spill will not be an issue with particular reference to residential properties and other sensitive receptors such as nearby conservation areas and the canal corridor. Furthermore, the level of illumination, limiting the times of illumination and other restrictions could mitigate some of the potential harmful effect of the illumination. Nonetheless, as a consequence of the matters covered above, I remain concerned regarding the overall intrusive and incongruous effect of the proposal in terms of the visual amenity of the area.
11. The appellant has drawn attention to a number of applications for free standing and other advertisement structures and advertisements which have been

approved at appeal along the A40. I acknowledge that there may be some parallels between some cases and the current appeal, including proximity to the A40 and the type of some of the advertisements proposed and that in some cases there are relevant considerations that can be applied to the current case.

12. However, I also note that some relate to materially different advertisement proposals and I am not aware of the full circumstances that led to them being granted, including specific locational characteristics. Therefore, the circumstances that applied to other cases are not directly comparable to those currently before me. In any case, I have determined the appeal proposal on its merits.
13. I therefore conclude that the proposal would have an unacceptably harmful effect on the visual amenity of the area. I note that the Council and the appellant have referred to the development plan policies they consider to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal the Council's policies have not therefore, by themselves, been decisive. Nonetheless, the proposal would conflict with the amenity requirements of Policies S28, S29 and S37 of the Consolidated LP and Policies DES1, DES5 and DES8 of the City of Westminster Unitary Development Plan January 2007.

Conclusion

14. For the reasons given above and taking into account other matters, I consider that the appeal should be dismissed.

Alastair Phillips

INSPECTOR