
Appeal Decision

Site visit made on 16 February 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 03 March 2017

Appeal Ref: APP/K5600/Z/16/3164165

5 Kensington High Street, London W8 5NP

- 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 Justin Myers against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref CA/16/06500 dated 30 September 2016, was refused by notice dated 25 November 2016.
 - The advertisement proposed is temporary decorative scaffold shroud screen advertisement incorporating a 1:1 image of the building facade and inset advertising area 7.5m x 4.6m.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The Regulations, the National Planning Policy Framework and the Planning Practice Guidance require that decisions are made only in the interests of amenity and public safety. No concerns have been raised with regard to public safety.
 4. The appeal site at 5 Kensington High Street is located to the north of the Kensington Court Conservation Area, and forms one of a terrace of buildings featuring shops and commercial premises. No 5 is a modern building whose aesthetic qualities do not match those of its more historic neighbours on Kensington High Street. Nonetheless, it respects the prevailing pattern of development in terms of height and plot width. I therefore consider that No 5 has a neutral effect on the significance of the CA.
 5. The proposal would create a temporary scaffold shroud, incorporating a panel for advertising purposes, which would cover the building from first floor to roof level whilst building works were being carried out. Permission is sought for the duration of 12 months.
 6. In terms of design, the shroud would depict the façade of No 5 at a scale of 1:1. However, the centre would be dominated by the advertisement panel, which would measure approximately 7.5 x 4.6m. It is stated that advertisements would be displayed for 75% of the time, which would represent
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the majority of the period for which the shroud would be on view. Whilst an advertisement was in place, the image of the building would be very much secondary to it, appearing only on the periphery.

7. Kensington High Street is a commercial area, and so signage and advertising are an integral part of its character and appearance. However, there is a clear visual distinction whereby advertising is largely confined to the ground floor. Above this level, adverts are not prevalent or characteristic, except for a small number of relatively unobtrusive examples. Due to its high level location, I consider that the proposal would be excessively prominent, and would have an unacceptably harmful impact on the character and appearance of the CA. It would introduce a disproportionately large advertising space which would dominate the building, and views along Kensington High Street, thus having a harmful impact on amenity.
8. The appellant argues that a number of public benefits would accrue from the proposal, including greater visual interest over and above normal scaffold screening, a visual signal that regeneration work is under way. I accept that netting or screening may sometimes appear unsightly, and that the proposed shrouding may produce a tidier appearance. However, this would not outweigh the harm I have identified. It would be clear from any form of scaffolding and screening that works were being carried out to the building, and the proposal would not add to this perception.
9. With respect to the funding that would accrue from the advertising, the appellant has not provided any detailed evidence in respect of the viability of the scheme, or demonstrated the necessity to the project of the advertisement income. Additionally, whilst the restoration of the building might add to the amenity of the area, there is little detail before me to quantify this benefit. I can therefore give limited weight to these matters.
10. I accept that the proposed external illumination could be subject to controlled hours, or deleted altogether, but this would not address my concerns about the overall acceptability of the proposal. I have been referred to a similar scheme at 143-145 Kensington High Street which was granted permission on appeal¹, and one at 186 Holland Park Avenue. However, the full details of the circumstances under which these developments were found to be acceptable are not before me, and so I am unable to be certain if they represent a direct parallel to the case before me. In any event, I have considered the appeal scheme on its own merits.
11. I conclude that the proposal would unacceptably harm amenity, and would fail to preserve or enhance the character and appearance of the conservation area. It would therefore conflict with Policy CL3 of the Royal Borough of Kensington and Chelsea Consolidated Local Plan (CLP, July 2015), which requires development to preserve or enhance the character or appearance of conservation areas, CLP Policy CR4, insofar as it resists adverts that would harm amenity,
12. Whilst the harm to the significance of the conservation area would be less than substantial (in terms of the phraseology used in the National Planning Policy Framework), this does not mean that the harm would not be significant. Furthermore, I have not identified sufficient public benefits to outweigh that

¹ APP/K5600/H/14/2224820

harm. I accept that the shroud display would be an impermanent feature, but the harm that would arise to amenity, even for a temporary period, has not been compellingly justified.

13. For the reasons above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR