

Appeal Decision

Site visit made on 6 February 2017

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 6th March 2017

Appeal Ref: APP/X5990/Z/16/3165642

4, Oxford Street, London W1D 1AL

- 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 Guy Goodyear against the decision of the City of Westminster Council.
 - The application Ref 16/09284/ADV, dated 27 September 2016 was refused by notice dated 25 November 2016.
 - The advertisement proposed is described as 'temporary advertising banner and scaffold shroud'.
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Decision

1. The appeal is dismissed.

Main Issues

2. Whether the appeal advertisement would preserve or enhance the character or appearance of the Hanway Street Conservation and whether it would preserve the setting of the adjacent grade II* listed building, 6 Oxford Street.

Reasons

3. The appeal site includes a handsome late 19th century red brick building with stone dressings and decorative window openings and windows. It has a retail unit on the ground floor and accommodates other uses above. It is prominently sited at the junction of Oxford Street and Tottenham Court Road.
 4. The appeal building sits adjacent to 6 Oxford Street, a 19th century public house. That building has a tall narrow frontage, with a decorative roofline including a prominent gable. Its frontage is red brick with stone dressings. It is attached to the appeal building and their similar stone dressings and window openings visually link the two. The close relationship between the two buildings contributes to the setting of No 6, within a terrace comprising an eclectic mix of decorative historic buildings. Its setting contributes to its significance as a heritage asset.
 5. The appeal building sits within the Hanway Street Conservation Area. As it is an attractive historic building, that is located at a prominent road junction, it positively contributes to the high quality, eclectic mix of historic buildings within that conservation area; an assessment that accords with the Hanway Conservation Area Audit, in which it is assessed as an unlisted building of merit and as a landmark building. The opposite side of Tottenham Court Road is included within the Bloomsbury Conservation Area and the other side of Oxford Street is included within the Soho Conservation Area.
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6. Even though at present there are large scale engineering works in the locality, the proposed advertisement would still jar in the street. It would be large in relation to the appeal building and the adjacent listed building. Furthermore, it would be sited at high level above the level of most other advertisements in this locality. The proposed lighting would increase its prominence in the street scene at night. It would be highly visible from Oxford Street and the surrounding roads, some of which are included within other conservation areas. Moreover, it would be sited very close to the adjacent listed building and would interrupt the intimate relationship between the appeal building and the listed building previously identified. For all these reasons, it would result in unacceptable harm to the appeal building, the locality, the setting of the adjacent listed building and the Hanway Street Conservation Area.
7. In coming to the above conclusion I have had regard to a previous appeal decision at the appeal site brought to my attention. This was for a different advertisement but in general I have concurred with the views of my Colleague (APP/X5990/H/16/3143311).
8. I have also had regard to other advertisement consents and appeal decisions brought to my attention including APP/X5990/H/09/2118047. However, all are in different localities and do not serve as direct comparators to the appeal setting. In paragraph 11 of the above appeal decision, that Inspector was careful to point out that a similar display in another location would not necessarily be acceptable. I have also taken account of advice in the Planning Practice Guidance brought to my attention, regarding shrouds and advertisements on buildings undergoing major structural work¹. However, I have found that unacceptable harm would result as a consequence of this appeal advertisement.
9. I am aware that the proposed advertisement would include a shroud with a 1:1 image of the appeal building which may improve its appearance during refurbishment work. I understand that consent is sought for a temporary period. However, unacceptable harm would result during the time that the proposed advertisement would be in place. Conditions attached to any advertisement consent would not overcome my concerns.
10. I conclude that the appeal advertisement would fail to preserve or enhance the character or appearance of the Hanway Street Conservation Area and preserve the setting of the adjacent grade II* listed building, 6 Oxford Street. It would therefore fail to accord with Policies S25 and S28 of Westminster's City Plan: Strategic Policies (2013) and Policies DES1, DES8, DES9 and DES10 of the City of Westminster Unitary Development Plan (2007). Those policies, together, aim to recognise Westminster's historic environment and incorporate exemplary standards of sustainable and inclusive urban design and architecture in development. They also seek advertisements that are well designed and sensitively located within the street scene and relate to the character, scale and architectural features of the building on which they are fixed. Whilst I have identified that there would be conflict with the above Development Plan policies, that matter is material rather than decisive to my decision. However, it serves to reinforce the findings that I have reached above.

¹ ID: 18b-005-20140306

Conclusion

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

R Barrett

INSPECTOR