
Appeal Decision

Site visit made on 26 March 2017

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 4th April 2017

Appeal Ref: APP/X5990/Z/16/3164054

19 Leicester Square, London WC2H 7LE

- 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 Pizza Hut (UK) Ltd against the decision of City of Westminster Council.
 - The application Ref 16/07688/ADV, dated 10 August 2016, was refused by notice dated 6 October 2016.
 - The advertisement proposed is replacement signage scheme comprising 1 no. 'Pizza Hut' text fascia sign, 1 no. 'Come on in' fascia sign, 1 no. 'Come on in/Express' fascia sign, 1 no. menu sign, 1 no. 'Pizza Hut' fascia sign, 1 no. menu messaging awning, 1 no. projecting sign, 1 no. illuminated hut logo, 1 no. 'Cocktail bar' hanging sign and illuminated red border tubing.
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Decision

1. I dismiss the appeal insofar as it relates to the 'Pizza Hut' fascia sign on Bear Street (sign 7c).
2. I allow the appeal insofar as it relates to the Pizza Hut text fascia sign (sign 4); 'Come on in' fascia sign (sign 7a); Come-on-in/Express fascia sign (sign 7b); Menu sign (sign 9); Menu messaging awning (sign 10); Projecting sign (sign 15); Hut logo (sign 16); Cocktail bar sign (sign 18), as applied for and grant consent for their display. The consent is for five years from the date of this decision and is subject to the standard conditions set out in the regulations.

Preliminary Matters

3. To provide clarification, I have referred to the signage numbering as set out in the signage pack Option 1 Issue 11, dated 30 September 2016.
4. The appellant has advised that the originally proposed illuminated red border tubing noted on the application form did not form part of application ref: 16/07688/ADV. From what I have read it does not appear that the Council considered it as part of the proposal. I have not therefore included it in my consideration of the appeal.
5. A separate application for some elements of the proposal listed in the banner heading has now been approved by the Council¹. Those signs are: 'Come on in' /Express Sign (sign 7b); Menu sign (sign 9); Menu messaging awning (sign 10); Projecting sign (sign 15); 'Cocktail bar' hanging sign (sign 18). I have taken this consent into account in my consideration of the proposal before me.

¹ Application Ref: 16/07683/ADV

6. The remaining signs are: Pizza Hut text (sign 4) an internally illuminated fascia sign measuring 3.4m x 0.7m; Come-on-in sign (sign 7a) an internally illuminated fascia sign measuring 3.2m x 0.67m; Hut logo (sign 16) an internally illuminated fascia sign measuring 1.7m x 0.8m, all to be displayed on the front elevation of the building. In addition the Come-on-in/ Pizza hut sign (sign 7c) a fascia sign measuring 2.61m x 0.9m is proposed to be displayed on Bear Street.

Main Issue

7. The main issue is whether the proposal would preserve or enhance the character and appearance of the Conservation Area.

Reasons

8. Pizza Hut occupies the ground floor and basement of 19 Leicester Square which appears to form part of a tightly knit row of buildings flanking the east side of the Square. The site lies within the Leicester Square Conservation Area where special attention must be paid to preserving or enhancing the character or appearance of the area.
9. The Council's fundamental concern regarding signs 4 and 16 is their proposed position at a high level between the first and second floor windows on the prominent front elevation of the building. Whilst not decisive, Policy DES 8 of the Westminster Unitary Development Plan and advice in the Council's Advertisement and Signage Supplementary Planning Guidance (SPG) seek to avoid high level signage.
10. The character and appearance of Leicester Square is defined by its vibrancy and by the high concentration of restaurants and entertainment uses. Buildings are a mix of older terraced properties and large scale modern buildings. 19 Leicester Square is an older property, similar in terms of its age and appearance to its neighbours Nos 20, 21 and 22 Leicester Square. I noted at my site visit that these neighbouring buildings, which include a Chiquito restaurant and a School of English, have signage in a similar position to those proposed, between the first and second floor windows. I also note from the appellant's evidence that signs have historically been displayed in this position. Further along this side of the Square the Odeon cinema building has a substantial array of large scale commercial signage and at the end of the row there is another sign at high level.
11. Consequently it seems to me that high level signs form part of, and contribute to, the character and appearance of the eastern side of the Square. Proposed signs 4 and 16 which would be positioned in alignment with those on the neighbouring buildings, and would be of a similar size to them, would not appear unusual in this particular context. The building is not listed and does not have any specific architectural merit. Nevertheless it seems to me that the size and position of the signs would respect the architectural detailing and scale of the building. For these reasons, they would preserve the character and appearance of the Conservation Area.
12. The Council has raised no specific objection in its officer report or decision to sign 7a. This is a fascia sign which would be located immediately above the shop window. I have no reason to reach a different view.

13. Sign 7c would be located on a separate property with a side elevation to Bear Street. The sign is a directional sign designed to direct clientele to the restaurant. The property on which it would be displayed has a fire exit onto Bear Street but has no shopfront or public access at this point. The SPG advises that consent is unlikely to be given for advertisements unrelated to the business being carried on in the building.
14. I noted at my site visit that Bear Street is a quieter street that does not have the proliferation of signs to be found on premises on Leicester Square itself. As such the sign would be contrary to advice in the SPG and would constitute unnecessary visual clutter that would detract from the character and appearance of this part of the Conservation Area.
15. The sign would replace an existing sign that I understand has been in place since at least July 2012. Be that as it may, I understand that that sign is unauthorised. I acknowledge that the sign would be similar in terms of size to the existing sign and would be proportionate to the scale of the building. Nevertheless, this does not outweigh the harm I have identified. I have been referred to instances of advertisements in the locality which are unrelated to the premises on which they are displayed. However, I do not have the details of the context of their approval and cannot therefore be sure they are comparable to the appeal proposal. Moreover, it does not seem to me that such signage is common place.
16. For the reasons set out above, I conclude that the display of sign 7c would be detrimental to the interests of amenity but that signs 4, 7a and 16 are acceptable on amenity grounds. I have therefore issued a split decision.

S Ashworth

INSPECTOR