
Appeal Decision

Site visit made on 16 May 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 06 June 2017

Appeal Ref: APP/X5990/Z/17/3169585
62-63 Pall Mall, London SW1Y 5HZ

- 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 Berry Bros & Rudd against the decision of City of Westminster Council.
 - The application Ref 16/10880/ADV, dated 14 November 2016, was refused by notice dated 5 January 2017.
 - The advertisement proposed is the display of flag advertisement measuring 1448 by 2560mm
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Decision

1. The appeal is allowed and express consent is granted for the display of flag advertisement measuring 1448 by 2560mm at 62-63 Pall Mall, London SW1Y 5HZ as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Procedural Matters

2. The application as originally submitted was described as 'replacement of existing shopfront to no.62 with new timber framed shopfront with double doors, stall riser and glazed lights, together with removal of eastern section of front railings and covering of basement openings with decorative cast iron grates and installation of gated railings to western entrance to no.63. Display of one externally illuminated hand painted fascia sign, one flag sign, one retractable canvas awning sign and two lettering signs on shopfront glazing'.
 3. However, the Council advise that those elements of the proposal that relate to the awning with logo signage to No 62 and unilluminated painted lettering to the fascia of both buildings benefit from deemed consent. In addition, those elements relating to the shop front, railings and gates were granted planning permission on 5 January 2017 (Ref 16/10864/FULL).
 4. Consequently, the Council changed the description of the proposed advertisement to the 'display of flag advertisement measuring 1448 by 2560mm'. This description has been used in the appellant's statement and Planning Officer's report and is a more accurate description of the advertisement now proposed. I have therefore determined this appeal on the basis that the proposal relates solely to the display of a flag advertisement.
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Main Issue

5. The main issue is whether the proposed advertisement would preserve the character and appearance of the St James's Conservation Area.

Reasons

6. The appeal property comprises a seven storey property located on a street lying within the St James's Conservation area that comprises of buildings of similar height, scale and mass. Planning permission has recently been granted for the change of use of the ground floor from B1 offices to A1 retail (Ref 16/10423/FULL).
7. The Council indicate that a flag and flag pole were in existence at the property prior to the recent alteration of the ground floor to a retail use and that advertisement consent was granted for a flag in 1994 (Ref 94/04624/ADV). I observed at my site visit that there are a number of flags and flagpoles on Pall Mall and the adjoining the streets. Many of these are national flags and I accept the Council's view that others that are present may not benefit from advertisement consent. However, the fact remains that they are there and as such set the visual context for the consideration of the appeal advertisement.
8. The proposed advertisement would comprise a flag and angled flag pole that would be erected at first floor level on the front façade and in the centre of the part of the property comprising No 63 Pall Mall. The submitted drawings indicate that the flag pole would be in the same position on the building as that which previously existed and would be of a size and design to match others on Pall Mall. The proposed flag would be asymmetrical in shape and is shown as having a long dimension of 2.56m, a short dimension of 1.375m and a width of 1.448m. It would be green in colour, that matches the awning and shopfront colour, and contain an image of a wine barrel having the name of the appellant and the business' primary retail address in gold lettering within the barrel.
9. The proposed flag is of a relatively simple design that would be well proportioned in relation to the elevation to which it would be fixed and would be of a size that is unlikely to obscure any architectural detailing or the façade of the building to any significant extent. Flags of various designs, including some advertisement flags, are a characteristic and integral part of the street scene and contribute to the character and appearance of the conservation area.
10. In being located just above the balustrade of the ground floor and in line with other flags on the street, it would not appear as being at odds with the rhythmic pattern of the arrangement of flags in the vicinity of the appeal building. The proposed flag would contribute to the established character and appearance of the conservation area. Whilst there are other flags on the street I do not consider that there is a proliferation to the extent that visual clutter exists. In taking into account the relationship of the proposed flag with others on the street, I do not consider that a single flagpole with a well-designed and simple flag would cause visual clutter, detract from the appearance of the building or cause harm to the character and appearance of the conservation area as a whole.
11. The appellant indicates that the St James's Conservation Area was designated in 1969 and as the proposed flag is almost identical in position and size to that which previously existed at the appeal property. As such, I agree with the

appellant that the heritage designations were in place when the previous advertisement consent was consented. I have no evidence to suggest that there has been a material change in circumstances in relation to the heritage asset since that date that would suggest that a similar flag would now be considered to be inappropriate.

12. I have taken into account the objectives of Saved Policy DES 8 of the Westminster Unitary Development Plan (2007) (UDP). This policy, amongst other things, suggests that consent would not normally be granted for flags and flag poles due to the adverse effect that they can have on the appearance of buildings and the streetscape, by obscuring the façade of buildings and contributing to visual clutter.
13. Given that the proposed flag would not obscure the façade of building or contributing to visual clutter, I consider that the appeal proposal constitutes the circumstance where there would be no conflict with the overall objectives of Saved Policy DES 8 in so far as it relates to flag advertisements.
14. For these reasons, the proposed advertisement would preserve the character and appearance of the Conservation Area as a whole in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would accord with paragraphs 131 and 132 of the National Planning Policy Framework. As a result there would be no conflict with Policies S25 and S28 of Westminster City Plan (2013). These policies, amongst other things, require that proposals should respect the heritage of Westminster. In addition, the proposed advertisement would accord with the principles of Saved Policy DES 8 of the UDP in terms of preventing visual clutter and ensuring that the façade of buildings is not obscured.

Other matters

15. The appellant referred to a recent appeal decision for a similar flag advertisement within the Mayfair Conservation Area and located relatively close to the appeal site (Ref APP/X5990/Z/15/3141026). However, I do not have full details of the nature of the proposals or the circumstances relating to this appeal. Consequently, I cannot be sure that it is representative of the circumstance in this appeal. In any case, I have reached my own conclusions on the individual merits of the appeal proposal on the basis of the evidence before me.

Conclusion

16. For the above reasons and taking all other matters raised into account, I conclude that the appeal should be allowed. In doing so I note that no non-standard conditions have been proposed by the Council and I consider that none are necessary.

Stephen Normington

INSPECTOR