

Appeal Decision

Site visit made on 26 June 2017

by N McGurk BSc (Hons) MCD MBA MRTPI

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

Decision date: 18 July 2017

Appeal Ref: APP/K5600/Z/17/3174583

66-74 Notting Hill Gate, London, W11 3HT

- 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 and Chelsea.
 - The application Ref CA/17/01216, dated 23 February 2017, was refused by notice dated 20 April 2017.
 - The advertisement proposed is a temporary decorative shroud screen to scaffold comprising a 1:1 coloured image of the proposed building façade measuring 44M X 14.2M (624m²) with an inset advertising area externally lit measuring 10.9M X 7.5M (81.75m²) for a temporary period of 12 months.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal the subject of this appeal comprises a temporary decorative shroud printed onto pvc and which would extend across the whole frontage of 66-74 Notting Hill Gate. The shroud would, as described by the appellant, show an image of the proposed building façade at 1:1 scale and would include an externally lit area for advertising, located within the area of the corner splay (Nos 72-74 Notting Hill Gate). The proposal relates to the partial demolition, extension and re-facing of the buildings to create 19 residential apartments amongst other things, as permitted in 2016 (PP/15/05730).

Main Issue

3. The main issue in this case is the effect of the advertisement on visual amenity.

Reasons

4. The appeal site comprises a group of buildings on the northern side of Notting Hill Gate, east of the junction with Pembridge Gardens and includes a four storey corner building and three four storey Victorian terraced buildings which front Notting Hill Gate. The buildings are in retail use at ground floor level with office and residential uses above.
 5. The appeal site is located in a highly prominent position within a primary shopping area. Notting Hill Gate is a busy road and the site is in very close proximity to an entrance to Notting Hill Gate underground station.
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6. Part of the site is located within the Pembridge Conservation Area, which is characterised in this area by the presence of tall period properties, some above ground floor commercial premises. During my site visit, I observed that attractive, tall facades, retaining many period features, draw the eye and make a distinctive, historic contribution to local character.
7. I also noted during my site visit that, whilst along Notting Hill Gate in particular, commercial uses dominate at ground floor level, there are no high level signs or advertisements in the area that are similar to the proposal the subject of this appeal. As a consequence, to a large degree, it is the tall facades of period buildings above ground floor level, especially those along Pembridge Gardens, that draw the eye as significant, elegant and positive features.
8. Whilst the proposal is for much of the shroud to be printed with a 1:1 image of the proposed building façade, a significantly large part, at 72-74 Notting Hill Gate, would comprise an externally lit advertising area. This would be raised above the ground floor and would extend to a significant height. Furthermore, it would be located at the highly prominent corner of Notting Hill Gate and Pembridge Gardens.
9. The advertising area would be designed to draw attention to itself and this is something that would be exacerbated by the proposed external lighting during darker hours. Taking this and the height, scale and prominent position of the proposed area of advertising into account, I find that the eye would be drawn to the advertising area rather than that part of the shroud providing a 1:1 image of the proposed building.
10. This would result in the proposed advertisement unduly dominating its surroundings and this is an effect that would itself be exacerbated by the incongruous appearance of the advertising area – being of a scale and height unlike any other in the surrounding area.
11. The effect of all of the above would be to detract significantly from the contribution made by the upper floors of period properties along Notting Hill Gate and Pembroke Street, whereby undue attention would be drawn to the proposed advertising and away from elegant facades.
12. The National Planning Policy Framework (the Framework) emphasises the importance of safeguarding the nation's heritage assets. In reaching my decision below, I am mindful of the appeal site's location within and adjacent to the Pembridge Conservation Area and that the advertisement would fail to preserve the character and appearance of its setting. I find that the advertisement would be detrimental to visual amenity. This would be contrary to the Framework and to Local Plan¹ policies CR4, CL3 and CL11, which together amongst other things, seek to protect local character.

Other Matters

13. Whilst the proposal would only be temporary in nature, it would still result in the harm identified and it is this that leads me to the conclusion below.
14. I note that, in support of his case, the appellant considers the proposal to be a considerable aesthetic improvement over standard scaffold screening. Whilst this might be the case for the 1:1 image element of the proposal, I have found

¹ Royal Borough of Kensington and Chelsea Consolidated Local Plan (July 2015).

that the advertising element would harm visual amenity and hence the decision below.

Conclusion

15. For the reasons given above, the appeal is dismissed.

N McGurk

INSPECTOR