



Appeal Decision

Site visit made on 11 July 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 02 August 2017

Appeal Ref: APP/X5990/W/16/3165947

**Land adjacent to Travis Perkins Warehouse and the Grand Union Canal,
Bishops Bridge Road, Paddington, London W2 6NA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Primesight against the decision of City of Westminster Council.
 - The application Ref 16/08365/FULL, dated 1 September 2016, was refused by notice dated 31 October 2016.
 - The development proposed is a 48 sheet digital panel on a small triangular piece of redundant 'landlocked' land measuring approximately 12m x 6m.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: the effect of the proposal on the character and appearance of the surrounding area; whether the proposal would meet the aims and objectives of the planning brief, and; the effect of the proposal on the local ecology.

Reasons

Character and appearance

3. The development would comprise a new freestanding sign whose display screen would measure approximately 3x6m, and 0.7m deep. It would be mounted on a monopole on land adjacent to an existing warehouse building whose gable end faces the Grand Union Canal. In addition, a living wall would be installed at a lower level on the gable wall. The screen would incorporate 48 LED illuminated panels, and would show sequential static poster images which would change every 10 seconds.
4. The new sign would be visible from the tow path on the south-west bank of the Grand Union Canal. On my visit, I saw that this area is well used by cyclists and pedestrians, and it also provides a pleasant backdrop for the outdoor seating areas of nearby restaurants. The north-east bank of the canal is lined by a series of buildings whose gable ends comprise a mixture of brick, timber and corrugated metal. They evoke the industrial history of the canal, and form a tranquil, unobtrusive setting to the waterside area.
5. In contrast to the surrounding areas, which are dominated by busy roads and large modern buildings, this stretch of the tow path is quiet and secluded. The

warehouse building where the sign would be located is more modern in appearance, and is finished in corrugated metal. However, this building appeared to be well constructed and in reasonable repair, and I found no basis to suppose that it is temporary or semi-temporary, as suggested by the appellant. Moreover, it shares the low gabled form of the neighbouring buildings, and keeps in with the rhythm and sequence of the gables. Notwithstanding some variations in design, the warehouse buildings share a simple, utilitarian character. I agree with the Council's assessment that they make a positive and valuable contribution to the amenity of the tow path area.

6. The warehouse buildings appear to be free of advertisements or any obvious sources of illumination. The proposed sign would thus contrast markedly with its context, introducing a jarring visual element that would detract from the understated appearance of the warehouses and their contribution to the amenity of the area. The sign would step forward of the established building line, and would be particularly prominent due to its positioning at 45 degrees to the warehouse. Drawing PY2658-010 Rev C shows an indicative view of the proposed sign from the tow path level. From this vantage point, it would appear bulky, particularly with the inclusion of the hood, and would appear to exceed the ridge height of the adjacent warehouse. It would thus fail to be subordinate to the existing building.
7. At present, the lower section of the warehouse gable is faced with timber trellising which supports some informal planting. The proposed living wall would appear to be much more contrived in terms of its design, and would therefore appear discordant with its surroundings.
8. In terms of the effect on the amenity on Bishops Bridge Road, I agree that the visual character at this level is informed primarily by the road network and the large modern buildings in the surroundings. However, I saw that there are no other commercial signs in the vicinity. There is nothing comparable to the proposed advertisement, which would accordingly read as a discordant and incongruous feature in the street scene.
9. I accept that the levels of illumination would be within accepted guidelines, and would be automatically adjusted. However, drawing the above factors together, I conclude that the proposed advertisement would unacceptably harm the character and appearance of the surrounding area. It would thus conflict with Policy DES 1 of the City of Westminster Unitary Development Plan (UDP, January 2007), insofar as it requires development to respect the character, urban grain, scale and hierarchy of existing buildings and the spaces between them. It would also conflict with Policy S28 of Westminster's City Plan (CP, July 2016), insofar as it seeks to safeguard local distinctiveness.
10. The appellant has demonstrated that the sign would not be visible from the south-east of Bishops Bridge Road, close to the entrance to Paddington Station. From my observations on site, I am satisfied that that would be the case. I am similarly satisfied that there would be no meaningful impact on the setting of the Bayswater Conservation Area or the Maida Vale Conservation Area, due to the separation distances between them and the appeal site.
11. I note the appellant's contention that the document entitled '149-157 Harrow Road and adjacent highway/open space, Paddington London W2' ('the planning brief') envisages the redevelopment of the appeal site and the wider area referred to. However, I am bound to assess the proposal against the current

amenity of the area. In any case, there is no reason to suppose that the character and appearance of the warehouses, and thus their contribution to the amenity of the area, could not be replicated within a redevelopment scheme.

Aims and objectives of the planning brief

12. The purpose of the planning brief, which was adopted in October 2004, is to set out the Council's planning policy and aspirations for an area of land which includes the appeal site. The Council's second reason for refusal focuses on the aim to create improved pedestrian access to and through the site.
13. Within paragraph 2.7 of the planning brief, a map is included which shows an indicative pedestrian route on the north-east side of the canal. The Council is concerned that the proposed advertisement and living wall would block and obstruct this part of the canal site, thus hindering the aim of forming a pedestrian link in this location.
14. Whilst the planning brief is a material consideration, I have not been furnished with any detailed plans for the redevelopment of the site. That being the case, there is no specific evidence to show that a pedestrian route could not be accommodated within such a redevelopment, were I to allow the appeal. I therefore find no conflict with CP Policy S3, which relates to the Paddington Opportunity Area, CP Policy S12, which relates to the North Westminster Economic Development Area, or CP Policy S41, which relates to pedestrian movement and sustainable transport. There would also be no conflict with UDP Policy TRANS 3, which sets out development guidelines for the pedestrian environment, or with the aims of the planning brief.

Local ecology

15. The Council's third reason for refusal relates to concerns over the impact of the proposal on the ecology of the area, and the lack of any supporting information to address this issue. The appeal site falls within a Site of Importance for Nature Conservation (SINC), Westminster's Blue Ribbon Network, and is also designated a Green Corridor.
16. CP Policy S36 seeks to protect and enhance SINC, and proposals will need to demonstrate that they do not have a detrimental impact on the habitats or populations supported in these sites. UDP Policy ENV 17 states that development likely to have an adverse effect on a SINC, or a Green Corridor, will not be approved unless it can be demonstrated that there are reasons for the proposal that outweigh the need to safeguard the nature conservation value of the site. CP Policy S37 seeks to protect and improve Westminster's Blue Ribbon Network by enhancing biodiversity and waterside habitats.
17. Whilst the Council states that the proposal could harm the natural environment, they have not given any detail to indicate how they consider this harm would arise. Conversely, CP Policy S36 in particular puts the onus on developers to show that proposed schemes would not have an adverse impact. As the appellant has not demonstrated that the proposal would not be harmful to local ecology, I conclude that a conflict would arise with CP Policy S36, which would weigh against the proposal.

Conclusion

18. Whilst I have found that the proposal would not conflict with the aims of the development brief, I have nonetheless concluded that it would unacceptably harm the character and appearance of the surrounding area, and has failed to show that it would not harm local ecology. For those reasons, and taking all other matters into account, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR