
Appeal Decision

Site visit made on 30 November 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 14 December 2017

Appeal Ref: APP/K5600/Z/17/3180456
78-80 Notting Hill Gate, London W11 3HP

- 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 Sam Dayeh against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref CA/17/01902, dated 20 March 2017, was refused by notice dated 25 May 2017.
 - The advertisement proposed is installation of internally illuminated LED display on side elevation.
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Decision

1. The appeal is allowed and express consent is granted for the display of the of internally illuminated LED display on side elevation as applied for. The consent is for 5 years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:

The illumination level of the advertisement shall not exceed 300cd/m².

Procedural Matter

2. The description on the application forms stated "re-cladding of east upper elevation of 80 Notting Hill Gate, Refurbishment of ground floor cladding at 78-80 Notting Hill Gate. Installation of LED Internally illuminated display measuring 2m x 3m". This goes beyond the description of the advertisement and so I have used the abbreviated form that was used by the Council in their decision. I will only consider the proposed 2m x 3m advertisement and not the other matters referred to or shown on the submitted plans.

Main Issue

3. Under the regulations it is necessary for me to consider the appeal in the interests of amenity and public safety. The Council has not raised concerns about public safety. The main issue is therefore the effect of the advertisement on the visual amenity of the building and surrounding area.

Reasons

4. The appeal advertisement is proposed to be installed above an existing entrance to a bank that is to be the subject other alterations. The advertisement would on part of the wall facing eastwards and would not be noticeable from the west. It would extend above the existing fascia signage

along the front of the bank facing Notting Hill Gate and above the level of the nearest other fascia on the other bank adjoining the site to the west.

5. This is a busy commercial area where advertising is largely limited to the lower parts of street frontages but with occasional higher signs. The advertisement would be very prominent from close to the entrance to Notting Hill Gate underground station and further along towards the junction of Pembroke Gardens. It would also be noticeable from further to the east and south east including from vantage points within the nearby Pembridge Conservation Area (PCA). However, I found that as one views back from PCA, the position of the proposed advertisement soon becomes partially obscured due to the abundance of street-furniture and street-trees particularly when looking from the northern side of the road. Looking back from the southern side of Notting Hill Gate, the sign would also be partially obscured by street-furniture within the central reservation. The further one gets from the proposed position of the sign, even though it would be illuminated, the less impact it would have and would also be viewed amongst some other occasional higher signs such as that on the Gate Cinema. It would not have a harmful impact upon (thereby preserving) the character and appearance of Kensington Palace Conservation Area the boundary of which starts a considerable distance from the appeal site.
6. The advertisement would only be prominent in a localised area where it would be seen in the context of the nearby commercial buildings which have fascia signs and the entrance to the underground station, outside of any of the nearby Conservation Areas. Taking account of its illumination, it would have a limited impact upon the visual amenity of the surrounding area and would preserve the setting as well as character and appearance of the nearby Conservation Areas. Having considered the local characteristics of the commercial neighbourhood, in relation to the main issue the advertisement would therefore have an acceptable impact upon the visual amenity of the building and surrounding area.
7. I have taken into account Local Plan¹ Policies CL1, CL2, CL3, CL11 and CR4. These seek, amongst other things, to respect context, character, appearance, protecting and enhancing views and, with respect to adverts, that they do not harm amenity. This would not result in an improvement of the visual quality of the street as required by Policy CR4 but the lack of harm to amenity means that in accordance with the regulations, the proposal should be permitted.

Conclusion

8. The appellant has suggested a condition regarding the illumination level of the advertisement which corresponds with the response of the Council's highway consultee. This is reasonable and I have imposed it. The Council did not suggest any conditions in addition to the standard 5 advertisement conditions set out in the Regulations.
9. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Harwood

INSPECTOR

¹ Royal Borough of Kensington and Chelsea, Consolidated Local Plan, July 2015