



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: 15 December 2017

Appeal Ref: APP/X5990/Z/17/3179451

Cambridge Court, Sussex Gardens, London W2 1EU

- 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 Mark Wilkinson of Infinity Outdoor Ltd against the decision of City of Westminster Council.
 - The application Ref 17/03541/ADV, dated 25 April 2017, was refused by notice dated 16 June 2017.
 - The advertisement proposed is the display of a 1:1 image of the Sussex Gardens, Edgware Road and Star Street elevations at first to part fifth floors and an advertising panel each on the Sussex Gardens and Star Street elevations each measuring 9m x 6m all located upon temporary access scaffold.
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Decision

1. The appeal is allowed and express consent is granted for the display of the 1:1 image of the Sussex Gardens, Edgware Road and Star Street elevations at first to part fifth floors and an advertising panel each on the Sussex Gardens and Star Street elevations each measuring 9m x 6m all located upon temporary access scaffold, as applied for. The consent is from the date of this decision until 31 August 2018 and is subject to the five standard conditions set out in the Regulations and the following additional condition:
 - 1) The advertisements permitted by this consent shall be removed from the site by 31 August 2018.

Preliminary Matter

2. I have used the description of the advertisement from the Council's decision notice which effectively captures what is proposed more clearly than what was set out on the application form. It is confirmed on the application form that the proposed advertisements would not be illuminated.

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 site contains the large, 6 storey building. This covers a broad area between Star Street and Sussex Gardens facing towards Edgware Road and

has a dominant impact upon that street scene. The side elevations of the building also dominate the corner positions at the junctions with Star Street and Sussex Gardens. At the time of my site visit scaffolding and surrounding mesh were in place, obscuring the elevations of the building. The drawings along with the description supplied by the Council confirm that the Cambridge Court is a handsome building of red brick and stone dressings with a neo-Georgian appearance.

5. As well as the terraces of neighbouring traditional buildings within Star Street and Sussex Garden (including listed buildings at Nos 92-107 Star Street and 6-36 Sussex Street), the adjoining Bayswater Conservation Area (CA) covers a broad area to the south and south-west of the site. Along these roads, advertisements are minor, subtle features along some of the buildings.
6. As well as the traditional nearby buildings within the side roads, Edgware Road includes a greater range of building styles along both sides of what is a mainly commercial area. There are many advertisements primarily in shop windows and along fascias of those properties. Many of the advertisements are illuminated and there is very little uniformity to lettering styles, type of illumination or levels of the fascias. Advertising above fascia levels only occurs very occasionally.
7. The scaffolding and mesh shroud substantially obscure the traditional front and sides of the Cambridge Court. This does not look unusual or out of place within the built environment when buildings are being maintained. There is a clear temporary characteristic to the appearance of the scaffolding and existing shroud. The crudeness of the current appearance of the building with details being obscured behind the temporary structures does however have a harmful impact upon the street scene along Edgware Road and the side roads. This harms the setting of the nearby listed buildings that adjoin the site as well as the setting of the CA. The Council has made reference to controls over the amenity impacts of such scaffolding and shrouds but I am not given any details of whether such measures have been considered, what form they would take or the degree of difference that could be achieved.
8. The shrouding of the building above ground floor and up to fifth floor with a 1:1 replica of the elevations would provide a more sanitised, cleaner look to the building as well as a reference for passers-by and occupants of the building to explain what the building behind looks like. This replica would wrap around the side elevations and would abut the adjoining designated heritage assets. Advertisement panels 6m wide by 9m high are proposed to cover a strip of the elevation above ground floor height and up to the fifth floor, close to Edgware Road. However there would be a substantial buffer between these advertisement panels and the listed buildings and CA due to the shroud on those side elevations. The advertisements would be visible from both Star Street and Sussex Gardens but in my opinion would visually relate more to Edgware Road than those more sensitive side roads.
9. Overall, whilst the impact of the shroud and advertising panels would have a harmful impact in comparison to the elevations of the building, it would be a temporary improvement to the amenity of the area when compared with the existing scaffolding and mesh. The proposals can be subject to a condition restricting the length of time the advertisements can be displayed. In this way

the proposals would in this short term serve to enhance the character and appearance of the CA as well as the setting of the nearby listed buildings.

10. I have been given very little detail about several other advertisement appeal decisions where the respective Planning Inspectors considered those proposals should be dismissed. I have reached my conclusions on the circumstances of this case and these limited details of the other examples do not convince me that my approach is inconsistent with them.
11. 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 for a temporary period whilst works requiring scaffolding are taking place on the building.
12. I have taken into account City Plan¹ policies S25 and S28 as well as Unitary Development Plan² (UDP) policies DES1, DES8, DES10. These seek amongst other things to have exemplary standards of sustainable and inclusive urban design, ensuring the highest quality architecture, local distinctiveness and they emphasise the statutory duties in relation to designated heritage assets. In some respects these advertisements would not meet the high standards required and would breach those policies. However the lack of harm to amenity in the short term means that, in accordance with the regulations, the proposal should be permitted. Furthermore, UDP Policy DES8 does not support permanent or temporary advertising hoardings or shrouds, unless they are sensitively related to its local context with minimum obvious or intrusive commercial advertising content. Given the context of the site and the comparison with the existing scaffolding and mesh, for temporary period the advertisement would comply with this policy.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed. In addition to the 5 standard conditions, I have imposed a condition to ensure that the advertisements are removed after the temporary consent expires. I have allowed until the end of August 2018 which is the period suggested by the Council. The appellant requested a period of a year although that was from the time that the appeal was lodged.

A Harwood

INSPECTOR

¹ Westminster City Plan - consolidated with all changes since November 2013, adopted November 2016

² City of Westminster Unitary Development Plan, adopted January 2007