The Planning Inspectorate

Appeal Decision

Site visit made on 19 December 2017

by A J Mageean BA (Hons) BPl PhD MRTPI

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

Decision date: 11 January 2018

Appeal Ref: APP/X5990/Z/17/3185156
4 Oxford Street, London W1D 1AR

- 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 City of Westminster Council.
- The application Ref 17/07104/ADV, dated 8 August 2017, was refused by notice dated 22 September 2017.
- The advertisement proposed is temporary decorative scaffold shroud screen advertisement printed onto PVC measuring 6m high x 7m wide inset within a 1:1 replica image of the building façade measuring 13m x 29m extending along the Oxford Street and Tottenham Court Road frontages for a period of 12 months.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the advertisement on visual amenity, with particular reference to its location adjacent to listed buildings and within the Hanway Street Conservation Area.

Reasons

3. The appeal building is a substantial and impressive five storey structure on the corner of Oxford Street and Tottenham Court Road. It is part of a busy commercial area and in common with other properties in this area it has a retail unit on its ground floor. It has elaborate brick and stone façades on both frontages and, whilst not listed, is noted as the most prominent landmark building in the Hanway Conservation Area (CA)[1]. Adjoining this building to the west is the Grade II* listed Tottenham Public House, and with its decorative Flemish Renaissance style façade, and to the north the grade II listed No 1 Tottenham Court Road which has a similarly embellished brick and stone façade.

4. Together these buildings, along with other period structures further to the west and north, create an impressive and complementary mix of structures which both provides an appropriate setting for the listed buildings and defines the character of the eastern extent of the CA. Furthermore, the south west, south east and eastern sides of this significant junction are also bound by the Soho,

[1] Hanway Street Conservation Area Audit

Denmark Street and Bloomsbury Conservation Areas. This distinctive and prominent townscape effectively frames views into and out of each area.

5. Within this area advertisements are largely confined to the ground floor shop frontages. As such the proposed advertisement inset measuring around 6m x 7m and positioned to cover a significant portion of the first and second floor close to the corner of the building would be an unusually prominent and eye catching addition. This would contrast with the otherwise muted tones above ground level of both the replica image of the building itself and adjacent listed buildings, appearing as a visually jarring and inappropriate addition.

6. The appellant makes reference to the Councils 'Public Realm and Advertisements' Booklet No 12, which states that shrouds including a full scale representation of the building will be acceptable providing they contain a minimum of obvious or intrusive commercial advertising content or display. However, I understand that following consultation this draft document was not adopted and it therefore carries little weight in such cases.

7. Although the current proposal would represent a reduction of about 50% of the advertisement area proposed in the previously dismissed appeal[2], it would nonetheless be a large and visually prominent addition in a sensitive location. I accept that the proposed 1:1 replica image would be more attractive than a plain covering, but with the advertisement panel as proposed it would be more harmful than a plain shroud due to its size and location above ground floor level.

8. The external lighting of the advertisement area is presented as an optional element of the scheme and its exclusion would reduce the visual impact of the proposal. However, even without the lighting the advertisement panel would be unduly prominent in this location. The appellant argues that this area would be used for public information as well as advertising, though public information displays would also be conspicuous in this sensitive location. Whilst the display would only be used for around three quarters of the time, and would be in place for a temporary 12 month period only, it would nevertheless be harmful to visual amenity when in place.

9. It is also suggested that the advertisement area would be set away from the listed buildings, and that it would be entirely appropriate within this busy commercial area, noting also the building and regeneration works underway to the south of the appeal site. Nonetheless, in this area advertisements are largely confined to the ground floors with upper floors being more muted in appearance. Therefore, in the context of the sensitivity of this environment and the unique contribution of the frontages in which the appeal building is located, these points would not mitigate the harm caused to these heritage assets.

10. The Council has referred to Policies S25 and S28 of Westminster's City Plan (2016) and both DES 8 and paragraphs 10.108-10.128 of the City of Westminster Unitary Development Plan (2007). Whilst not decisive in this case I have had regard to these provisions, noting that the proposed advertisement would not be sensitively related to its local context nor would it conserve Westminster's heritage assets.

[2] APP/X5990/H/16/3143311

11. I therefore find that having regard to the Advertisement Regulations the advertisement would have a harmful effect on visual amenity. The failure to preserve or enhance the character or appearance of the Hanway Conservation Area would also conflict with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

12. For these reasons I conclude that the appeal should be dismissed.

AJ Mageean

INSPECTOR