The Planning Inspectorate

# Appeal Decision

Site visit made on 11 June 2019

**by Kate Mansell BA (Hons) MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 July 2019**

**Appeal Ref: APP/X5990/Z/19/3222034**
**1 Lexington Street, London W1F 9AH**

- 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 Patrick Malone on behalf of Goldcrest Post Production Facilities Ltd. against the decision of City of Westminster Council.
- The application Ref 18/08693/ADV, dated 1 October 2018, was refused by notice dated 13 December 2018.
- The advertisement proposed is described as 'We are seeking approval to publicise work we have undertaken for film and television projects via self adhesive vinyls attached to the windows of our Lower Lexington Street building façade . The advertisements will comprise approved still images and text from productions completed throughout the year. The displays will be updated roughly quarterly and the installation will be timed to pre-date broadcast or cinema release dates for a specific project. The advertisements will be restricted in size to the dimensions of the existing areas of fixed glazing. The building in question does not possess particular architectural merit, and we feel that these window displays, in addition to creating visual interest in that area of Lexington Street, will reinforce the notion to passersby that a thriving TV & Film industry continues to exist in Soho'.

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue in this appeal is the effect of the advertisements on the amenity of the area.

## Reasons

3. No 1 Lexington Street lies at the lower end of this north-south route through Soho. The road is characterised by its narrow width and enclosed on each side by tall buildings that typically extend to at least 4 storeys. Within the vicinity of the appeal site, this part of the street is broadly commercial. It is within the Soho Conservation Area (Soho CA) and the Council's Soho and Chinatown CA Audit (2005) (SCCACAA) identifies part of its special character being its mixed architectural composition as well as its dense urban form of grid like streets, creating intimate thoroughfares. Opposite the site is the western façade of the Grade II Listed Brewer Street car park, dating to 1929.

4. The appeal proposal relates to part of the building's ground floor frontage onto Lexington Street. It presently comprises a large, mostly glazed entrance and three broadly horizontal window frames, which have been obscured by solid 'advertising' panels fixed to the outside of the glass. The appeal proposal seeks

the display of non-illuminated self-adhesive vinyl advertisements on these ground floor windows and entrance.

5. The SCCACAA recognises the importance of signage to the character of the streetscape within the CA, but of an appropriate scale and materials. Furthermore, the Council's Advertisement Design Guidelines advise that the number of advertisements on a building should be kept to a minimum and that typically, only one fascia sign on each principal frontage will be permitted.

6. In this case, the advertisements would cover the entrance and completely infill the span of each of the three ground floor windows. Consequently, the display would, in my view, be prominent within the street scene.

7. I appreciate that the windows were previously covered in an opaque film, evidently to conceal a solid wall that is behind the windows. This would have created a neutral rather than featureless outlook to passers-by. However, this would appear to relate to the windows only and it did not include the entrance. Furthermore, I have nothing before me to indicate the degree of opaqueness or the extent of coverage.

8. In this regard, I noted other premises along the street that have an opaque film applied to the windows, but they are typically not completely covered, allowing a degree of transparency and reflection, which moderates the opacity. In contrast, the appeal proposal would be solid. Given the narrowness of the road, the advertisements would consequently be dominant in views along the street.

9. In relation to the Listed Building opposite, whilst the statutory duty to have special regard to preserving a listed building or its setting does not apply to applications for advertisement consent, the Listed Building clearly contributes to the historic character of Soho. Consequently, with regard to the effect of the proposal on the amenity of the area, its presence is a material consideration.

10. The advertisements would be displayed directly opposite its four-bay return elevation to Lexington Street. The listing description does not specifically distinguish between architectural features on the ground floor on this façade compared to those above. In any event, the ground floor incorporates features typical of the era in which the building was constructed, such as the lintel detailing. Furthermore, in views along Lexington Street, the advertisements would form part of the environment in which the Listed Building would be experienced. By virtue of their extent across the ground floor of No 1, they would, in my view visually compete with it and draw the eye away from the Listed Building, particularly given the narrowness of the street. This would be harmful to amenity.

11. I have no substantive evidence before me to ascertain with any certainty that the installation of the existing solid window panels resulted in an increase in graffiti and fly-posting on the façade of the Listed Building. I also note the appellant's installation of CCTV to their Lexington Street facade. It is therefore a matter to which I attach limited weight.

12. Additionally, the appellant has cited other examples of vinyl installations within the vicinity. However, I note that the advertisements at 142 Wardour Street do not cover the entire window panel but rather, extend to approximately two-thirds of its height. Whilst the windows at 123 Wardour Street are opaque, the

advertisements are also much smaller than the appeal proposal. Similarly, the extent of coverage at 34 Fouberts Place is less than the proposal and recessed, which reduces its prominence along the street. For these reasons, I do not find them to be directly comparable and, in any event, I have considered the appeal on its own merits.

13. For the reasons above, as a consequence of the scale and extent of the proposal across the ground floor frontage of No 1, I therefore conclude that it would be harmful to the visual amenity of the area. This harm to visual amenity would include that of the Soho Conservation Area, the desirability of preserving or enhancing the character or appearance of which is a matter I have paid special attention to.

14. I have taken into account policies S25 and S28 of the Westminster City Plan (November 2016) which require proposals to, amongst other matters, have regard to the conservation of heritage assets and to respect the area's heritage. I have also taken into account Saved Policies DES1 and DES8 of the City of Westminster Unitary Development Plan (CWUDP). These seek to ensure that advertisements are well designed. These policies are material insofar as they relate to amenity. As Saved Policy DES10 of the CWUDP relates to the setting of listed buildings and applications for planning permission, it is not directly relevant to the proposed advertisements. However, this does not weigh in favour of the appeal scheme in these terms.

**Other Matters**

15. I understand the relevance of the proposed advertisements to the activity within the building and their wider reinforcement of the role of the film and television industry within Soho. However, Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 clarifies that the powers under these Regulations can only be exercised in the interests of amenity and public safety.

**Conclusion**

16. For the reasons set out above, and taking fully into account all other matters raised, I conclude that the advertisements would be harmful to amenity and accordingly, the appeal should be dismissed.

*Kate Mansell*

INSPECTOR