



Appeal Decisions

Site visit made on 2 July 2019

by **N Thomas MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: Friday, 26 July 2019

Appeal A Ref: APP/X5990/Z/18/3211564

Brompton Road (Outside No. 70), Near Junction with Lancelot Place, London SW3 1ER

- 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 British Telecommunications Plc against the decision of City of Westminster Council.
 - The application Ref 18/04525/ADV, dated 31 May 2018, was refused by notice dated 20 July 2018.
 - The advertisement proposed is the display of an internally illuminated digital LED screen on two sides of the proposed free standing InLink.
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Appeal B Ref: APP/X5990/Z/18/3217864

Knightsbridge Road (A315), opposite no. 199 Knightsbridge Apartments, London SW7 1RH

- 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 Neil Scoresby of British Telecommunications PLC against the decision of City of Westminster Council.
 - The application Ref 18/07280/ADV, dated 24 August 2018, was refused by notice dated 16 October 2018.
 - The advertisement proposed is two digital 55-inch LCD display screens, one on each side of the InLink unit.
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Appeal C Ref: APP/X5990/Z/18/3218492

Knightsbridge Road (A315), opposite Rutland Court, London SW7 1BN

- 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 Neil Scoresby of British Telecommunications PLC against the decision of City of Westminster Council.
 - The application Ref 18/07281/ADV, dated 24 August 2018, was refused by notice dated 22 October 2018.
 - The advertisement proposed is two digital 55-inch LCD display screens, one on each side of the InLink unit.
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Appeal D Ref: APP/X5990/Z/18/3217737

Queen's Gate, south of the junction with Prince Consort Road, London SW7 2RH

- 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 Neil Scoresby of British Telecommunications PLC against the decision of City of Westminster Council.

- The application Ref 18/07283/ADV, dated 24 August 2018, was refused by notice dated 16 October 2018.
 - The advertisement proposed is two digital 55-inch LCD display screens, one on each side of the InLink unit.
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Decision

1. Appeals A, B, C and D are dismissed.

Procedural Matters

2. The InLink unit is a freestanding structure which has double-sided internally illuminated advertisement screens as well as telecommunications equipment. This proposal is for the display of advertisements, and does not relate to the prior approval of the InLink unit itself, which requires separate consideration. Although Appeal A has a different description to Appeals B, C and D, it relates to the same proposal.
3. Since the applications were refused by the Council, the Knightsbridge Neighbourhood Plan has been adopted in December 2018 (the NP). Details of its policies have been provided by the Council and I have taken the NP into consideration insofar as its policies are material to the appeals.
4. The reasons for refusal relate to the effect of the proposals on amenity. As set out in the Regulations¹, factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural or cultural features, consideration should be given to whether it is in scale and in keeping with these features.

Main Issue

5. The main issue in all of the appeals is the effect of the proposal on the visual amenity of the area.

Reasons

Appeal A

6. The appeal site is prominently located on a wide area of pavement at the junction of Lancelot Place with Brompton Road and is occupied by two phone boxes. This part of Brompton Road is a busy commercial area, with shops and restaurants. On the opposite side of Brompton Road is the Grade II* listed Harrods building, which is sited within the Hans Town Conservation Area (CA). The boundary of Knightsbridge CA runs roughly parallel to Lancelot Place and includes properties fronting Trevor Square, as well as part of the frontage onto Brompton Road to the south west of the appeal site. The site is therefore outside of, but within the setting of, the two CAs and a listed building.
7. The advertisements contained in the InLink unit would be taller than the existing phone boxes, and the site plan indicates that the structure would be sited closer to the edge of the footway. Although Brompton Road is a busy commercial area, I observed during my site visit that the majority of advertisements are associated with the retail and commercial uses and are generally limited to fascia and small scale projecting signs, and those within

¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007

shop window displays. Within the vicinity of the site is a bus shelter with a dynamic advertisement panel, but this is not as tall or prominent as the advertisement currently proposed. In this context the freestanding advertisements would appear visually intrusive, due to their size, prominent location and internal illumination on the wide area of pavement which is generally free of similar advertisements. They would appear incongruous against the backdrop of the sensitive historic environment.

8. I am aware that an appeal² has been allowed for an illuminated advertisement on a kiosk a short distance from the site, outside 102 Brompton Road. I understand from the appeal decision that the structure containing the advertisement was a similar height to the existing phone kiosk. It is therefore not directly comparable to this case, which would be noticeably taller than a traditional phone box. I have also been provided with planning officer reports relating to two advertisement consents³ granted on Brompton Road. They relate to advertisements on bus shelters, which have a lower overall height and would be partially enclosed by the bus shelter structure. They are therefore less visually intrusive than the appeal proposal and are not directly comparable. I therefore conclude that the proposal would be harmful to the visual amenity of the area.

Appeals B and C

9. The two appeal sites are located close to each other on a section of pavement on Knightsbridge Road, a busy, tree-lined main road. There is some street furniture in the vicinity of the sites, including lamp posts, road signs and bus shelters, with integral internally illuminated advertisements with dynamic screens. Behind the pavement are barracks building, set close to the road behind a brick wall, which forms the boundary with the Royal Parks CA. The CA includes buildings which surround the parks and contribute to views on their borders. On the opposite side of the road are substantial buildings, including a hotel and apartments. Knightsbridge Green is a small CA which includes the buildings at the junction of Knightsbridge with Brompton Road, to the east of the site of Appeal B. The boundary of Knightsbridge CA is a short distance to the west of the site at Trevor Street, and opposite the site of Appeal C. The sites are both therefore within the setting of CAs.
10. The appeal proposals would introduce double sided, tall and large internal illuminated advertisements, set close to the edge of the footway. While they would be screened to some extent by nearby street trees, they would nonetheless appear as incongruous and substantial features in the street scene. Despite the location on a busy main road with commercial uses nearby, the extent of commercial advertisements is limited in the vicinity of the site. There are advertisements that are integral to bus shelters, but these are less prominent in the street scene than the appeal proposals. As a result, the advertisements would stand out excessively and appear as prominent features that would detract from the appearance of the area, and its historic setting.
11. In the case of Appeal B, a phone box outside 60 Knightsbridge would be removed, which is close to Grade II Listed Buildings. In relation to Appeal C, an existing phone box on the corner of Knightsbridge Road with Exhibition Road,

² APP/X5990/Z/17/3182308

³ Ref 15/08635/ADV and 15/08600/ADV

outside the Grade II* Listed Building Royal Geographical Society Building, would be removed. However, while there would be some improvement to the setting of listed buildings, and reduction in street furniture, both of these phone boxes are discretely sited at the back edge of the footway. These considerations do not override the harm that would be caused by the appeal proposals.

12. I have had regard to the appeal decisions⁴ referred to by the appellant. I note that they either relate to advertisements contained within the structure of bus shelters, or within a more traditional form of telephone kiosk, that would not be of a comparable height or design to the one under consideration. They therefore have little weight in my consideration of these appeals. For the reasons set out above, the proposals would be harmful to the visual amenity of the area.

Appeal D

13. The appeal site is an area of pavement on Queen's Gate, a wide tree-lined avenue, bordered by substantial buildings in predominantly institutional and residential uses. The centre of the road forms the boundary of the Queen's Gate CA, and does not include the appeal site. The boundary of the Knightsbridge Conservation Area is located a short distance to the north of the site on Prince Consort Road. The site is therefore outside, but in close proximity to, the two CAs. To the rear of the site is the Huxley Building, a modern institutional building separated by a low wall from the pavement, with an area of cycle parking between the wall and the pavement. This modern building contrasts with the historic buildings on the opposite side of the road, within the Queen's Gate CA, including the Grade II Listed stuccoed terrace at Nos 20-26 Queen's Gate. This is an imposing building on five storeys with an elaborate façade with balconies and Ionic porticos.
14. While there are trees and street furniture in the vicinity of the site, including a bike hire stand, street lights and a bus shelter, there are no commercial advertisements. In this context, due to the height and scale of the advertisements, and their prominent siting close to the edge of the footway, they would appear visually intrusive and out of character with the area. They would create an element of visual clutter, by reason of the internal illumination and height of the advertisement. Due to the height and siting of the advertisements, the illuminated display would be incongruous when seen against the backdrop of the sensitive historic environment, which is uncluttered by any significant advertisements. Three existing phone kiosks would be removed from the surrounding area, but these do not contain illuminated advertisements and are not comparable to the appeal proposal. The appeal decisions⁵ referred to by the appellant are not directly comparable to this appeal as they either relate to advertisements contained within the structure of bus shelters, or to a more traditional form of telephone kiosk, that would not be of a comparable height or design to the one under consideration. They therefore have little weight in my consideration of this appeal. For the reasons set out above, the proposal would be harmful to the visual amenity of the area.

⁴ Ref APP/X599/X/16/3156856, APP/X5990/Z/17/3182012 and APP/X5990/Z/17/3182308, APP/X5990/Z/3182306

⁵ APP/X5990/W/3182305 and APP/X5990/W/3182306, APP/X5990/Z/17/3182307, APP/X5990/Z/16/3156856, APP/X5990/Z/17/3082012 and APP/X5990/Z/17/3082006

15. For the reasons set out above, I conclude that the advertisements in Appeal A, B, C and D would have a harmful effect on the visual amenity of the area. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material. Policies S25 and S28 of the Westminster City Plan 2016, Policies DES1, DES8 and DES9 of the City of Westminster Unitary Development Plan (WUDP) 2007, and Policy KBR8 of the NP are concerned with protection of amenity and so are material to this case. Policy DES10 in relation to Appeals A and D is concerned with the setting of listed buildings which is relevant to amenity. I have concluded that the advertisements would harm amenity, and therefore the appeal proposal conflicts with these policies

Conclusion

16. The appellant has sought to justify any harm against the public benefits, in accordance with paragraph 134 of the National Planning Policy Framework (the Framework). However, while the designated heritage assets are a relevant consideration when considering the effect on amenity, I am not obliged to consider the policy of the Framework in the determination of an advertisement consent appeal. In finding harm in respect of amenity, I am not required to weigh this against the public benefits cited by the appellant.
17. I am mindful of the support in the National Planning Policy Framework (the Framework), as set out in paragraph 112, for the provision of advanced, high quality and reliable communications infrastructure, in the interests of economic growth and social wellbeing. I have also had regard to the benefits of the proposals in terms of the removal of the existing telephone kiosks, resulting in a reduction of street furniture, the increase in the width of the pavement, and the enhanced communications facilities and services that would be provided, bringing economic and social benefits. I am also aware that a large part of the London Borough of Westminster is covered by CA designation. However, these matters do not outweigh the harm I have identified from the advertisements.
18. For the reasons set out above, and having had regard to all matters raised, I therefore conclude that the appeals should be dismissed.

N Thomas

INSPECTOR