



Appeal Decision

Site visit made on 16 July 2019

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2019

Appeal Ref: APP/X5990/Z/19/3230995

Visa Europe, 1 Sheldon Square, London W2 6TT

- 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 HEART Production Ltd against the decision of City of Westminster Council.
 - The application Ref 19/02963/ADV, dated 17 April 2019, was refused by notice dated 26 April 2019.
 - The advertisement proposed is temporary display of a contravision perforated printed vinyl adhered to the glass elevation of 1 Sheldon Square for a temporary period between 18 May 2019 and 07 July 2019.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form states that consent is requested for the period 18 May 2019 to 7 July 2019. Due to the passage of time since the planning application was submitted and determined, the appellant company sought for a 50 day period to display the advertisement. However, I have no dates for an alternative advertisement period before me to be confident about when the advert would be in situ. Further, the Council and any interested parties would need to be provided with the opportunity to comment on alternative dates. Given the type of appeal before me, neither have had the opportunity to comment on the alternative advertisement period. Consequently, their interests would be prejudiced¹ if I considered the alternative period proposed. I have therefore determined the appeal based on the original submission.
3. For the avoidance of doubt, I have added the requested dates for the advertisement (from the application form) into the description.

Main Issue

4. Under the Regulations² 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, and I agree with this. Therefore, the main issue is the effect of the advertisement on the visual amenity of the area.

¹ Annex M of the Procedural Guide Appeals – England advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

² Town and Country Planning (Control of Advertisement) (England) Regulations 2007

Reasons

5. Sheldon Square is part of the Paddington Central development north of Bishop's Bridge Road. The appeal site is a multi-storey office block fronting Sheldon Square which along with other similar scale buildings encloses a well-used public space. I noted during my site visit that the public space provides seating, walkways and retailing in a way that would encourage one to linger.
6. The appeal proposal, which was sought for a temporary period to coincide with and advertise the Women's Football World Cup 2019, would comprise of a vertical advertisement measuring approximately 31.64 metres high by 7.80 metres wide. The appellant company states that the purpose of the advert is to promote their sponsorship of a culturally significant event and, to raise awareness of and support the growth of participation in women's sport.
7. My attention has been drawn to paragraph 079 of the Planning Practice Guide³ which sets out examples of how one may consider the local characteristics of the neighbourhood in assessing amenity. The paragraph states that "In practice, "amenity" is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement".
8. The proposed sign would cover the full height of the building's corner entrance elevation. Due to the size and positioning of the advertisement and the significance of the corner entrance when viewed from the central public space, it would be a dominant and discordant element in an area where signage is generally restrained and at fascia level. For this reason, the advertisement would detract from the amenity of the area.
9. I have noted that the Council has granted permission for development in the square that promotes its use as a vibrant entertainment space. While the long-term display of the sign would detract from the amenity of the area, a short-term disruption to the area's character and appearance, for the specific period that was sought for the promotion of a significant sporting event, would have added interest and vitality to the square. These considerations may have been sufficient mitigation to the visual harm I have identified for me to have allowed the appeal.
10. However, I must determine the appeal based on the current circumstances. The Women's Football World Cup 2019 has now passed and with it any mitigating circumstance to the harm to visual amenity I have identified.
11. In accordance with the Regulations, I have taken into account the provisions of the development plan. Policy S25 and S28 of the Westminster City Plan (November 2016) recognise the importance of setting of open spaces and design of development. Policy DES8 of the City of Westminster Unitary Development Plan (UDP) states that consent will not normally be granted for permanent or temporary advertising hoardings or shrouds, unless they are sensitively related to its local context, with a minimum of obvious or intrusive commercial advertising content or display. I have concluded that the advertisement would harm amenity, and therefore the appeal proposal conflicts with these policies.

³ Paragraph:079 Reference ID:18b-079-20140306

12. I have also had regard to the City of Westminster Advertisement Design Guidelines. I note that paragraph 15 is headed 'Other Temporary Advertisements' and states 'The City Council receives many proposals for temporary advertisements, either announcing special events or of a seasonal nature, such as Christmas street displays. In recent years these have increasingly sought to promote commercial sponsors and their products. Individual applications will be considered on their merits, taking into account the number, size, form, period of display required, general location, position in the street and amount of 'commercial' advertising they show'. In accordance with the design guidelines I have considered the appeal on its own merits based on the circumstances before me at the time of my decision.

Conclusion

13. At the time of my consideration of this appeal there are no circumstances to mitigate the harm to amenity I have identified, therefore, for the reasons set out above, and having had regard to all matters raised, I conclude that the appeal should be dismissed.

Diane Cragg

Inspector