



Appeal Decision

Site visit made on 29 July 2019

by C J Ford BA (Hons) BTP MRTPI

a person appointed by the Secretary of State

Decision date: 15th August 2019

Appeal Ref: APP/X5990/Z/18/3216537

Opposite APCOA Paddington Station Car Park, Bishop's Bridge Road, London W2 6AA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ('the Regulations') against a refusal to grant express consent.
 - The appeal is made by Mr Neil Scoresby (British Telecommunications plc) against the decision of City of Westminster Council.
 - The application Ref 18/07027/ADV, dated 17 August 2018, was refused by notice dated 15 October 2018.
 - The advertisements proposed are described as 'Two digital 55-inch LCD display screens, one on each side of the InLink unit'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the submitted appeal statement the appellant requested that an associated prior approval appeal in relation to the installation of the InLink unit be assessed together with this advertisement appeal. However, following the judgment in *Westminster CC v SSHCLG & New World Payphones Ltd* [2019] EWHC 176 (Admin) and as set out in a letter dated 6 March 2019, the prior approval appeal has since been withdrawn by the appellant. Consequently, only the matter of advertisement consent is considered in this decision letter. Separate planning permission would be required for the installation of the InLink unit.
3. The Council has subsequently requested that the advertisement appeal be held in abeyance pending any further decision on the required planning application for the InLink unit. However, as the display of advertisements is controlled through a separate approval process and full details of the supporting InLink unit have been provided, the advertisement element of the proposed scheme may progress independently.
4. The proposed digital display screens would be 1.21m high and 0.69m wide. They would be integrated on each face of a 2.90m tall and 0.89m wide InLink unit. Aside from the absence of a diagonal slither of the lower section on one side, the 0.28m deep unit would be a freestanding monolith form. Instead of the usual five years, consent is sought for a period of ten years.
5. The Council's reasons for refusal referred to the potential for the display of (dynamic) moving images. It is appreciated the original application documents

made it clear that a series of static images would be displayed. The appeal has therefore been determined on that basis.

6. The parties have drawn attention to development plan policies, national policy and local guidance which they consider are relevant to the appeal. Whilst Section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply to advertisements, the policies and guidance have been taken into account, so far as they are material, in accordance with the Regulations.

Main Issue

7. The main issue is the effect of the proposed advertisements on the visual amenity of the area.

Reasons

8. The appeal site is located at the northern end of a strip of land on the west side of Eastbourne Terrace. Although the strip mainly comprises modern office buildings, it is almost surrounded by the Bayswater Conservation Area (CA). The special interest of the CA is largely derived from areas of nineteenth century architecture of predominantly stuccoed terraces of housing. This character is reflected by the Grade II listed Nos 121 to 141 Westbourne Terrace to the south west of the appeal site, although the terrace of grand houses is now used as offices.
9. On the east side of Eastbourne Terrace is the Grade I listed Paddington Station complex. It includes a terrace of plain brick offices with a stuccoed ground floor level that front Eastbourne Terrace. To the north of the appeal site, on the opposite side of Bishop's Bridge Road, there is a 1930s former GWR parcel depot with a simple classical brick façade. Whilst it is not listed, it is a building of merit within the CA.
10. Despite the commercial uses of the surrounding area, there is notable restraint in respect of the signage attached to the buildings. With regard to the modern office buildings, the signage is largely limited to the set back ground floor entrances that front Eastbourne Terrace. In respect of the more historic buildings, it is primarily limited to signage denoting a car park entrance at the western end of the former parcel depot. The restraint ensures the visual focus remains on the architectural qualities of the buildings.
11. The restraint simply applies to the level of street furniture with advertisements attached in this part of the Bishop's Bridge Road street scene. Beyond a totem information sign, it is limited to an existing telephone kiosk and further to the west of this a bus shelter that is located within the CA. The kiosk has a vinyl advertisement attached to the north-east facing glazed surface whilst the bus shelter has a double-sided advertisement panel, the inner north-east facing panel being a digital display.
12. The proposed InLink unit would be positioned towards the pavement edge on the south side of Bishop's Bridge Road. Owing to the side-on orientation to the road of the unit and despite the existence of nearby trees, each display screen would be facing and prominently visible in long distance views in the respective approach along the street.
13. Given the inner digital panel of the nearby bus shelter, the proposed scheme would not introduce a different form of advertisement display to the locality.

The displays would also be smaller in comparison to the bus shelter panel. Nevertheless, the perception of the proposed screens would be materially different. Unlike the bus shelter digital panel, they would not be viewed within and predominantly through the confines of a larger structure. Due to the monolith design of the InLink unit, they would appear as freestanding advertisements and thereby have a different character. Moreover, the screens would commence further above pavement level and extend to a greater height than the bus shelter panel. As a consequence, they would have a more high-level presence in the street scene.

14. Given the generally restrained approach to signage in the locality and through a combination of their size, illumination, prominent situation and orientation in the street scene, alongside their relatively high-level positioning on the freestanding unit, the proposed screens would appear as unduly strident and incongruous features. They would detract from the character and appearance of the area as well as the setting of the CA and the setting of the nearby listed buildings.
15. The appellant has drawn attention to advertisements granted express consent by the Council and on appeal in other sensitive areas of Westminster with regard to designated heritage assets. In those cases the digital screens relating to telephone kiosks and bus shelters were larger than those proposed. However, for similar reasons to those set out above in respect of the nearby bus shelter digital panel, they are not directly comparable. The appeal scheme has been duly considered on its own merits and having regard to its specific context in this particular part of Bishop's Bridge Road.
16. The benefits of the proposed screens are acknowledged including a public messaging facility to provide real time updates and with a proportion of the annual content offered to the Council and to local community groups in order to promote initiatives and events. It is also understood the existing nearby telephone kiosk with its vinyl advertisement would be removed. Nevertheless, the benefits would not outweigh the identified harm to the visual amenity of the area. Additionally, whilst conditions could ensure the screens only displayed a series of static images, as applied for, they could not overcome the identified harm.
17. It is therefore concluded the proposed advertisements would have an unacceptably harmful effect on the visual amenity of the area. They would harm the setting of the CA and the setting of the nearby listed buildings. They would conflict with Policy S25 of Westminster's City Plan 2016 which sets out that Westminster's extensive heritage assets will be conserved, including the setting of its conservation areas and listed buildings. They would also conflict with Policy DES 8 of the City of Westminster Unitary Development Plan 2007. The policy seeks to ensure signs and advertisements are sensitively located in the street scene and to normally resist advertisements on street furniture, especially adjacent to listed buildings or other sensitive locations. The policy also seeks to resist LED screens.

Conclusion

18. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

C J Ford

APPOINTED PERSON