



Appeal Decision

Site visit made on 3 July 2019

by W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2019

Appeal Ref: APP/X5990/Z/18/3217294

Outside Saint John's Wood Post Office, 28-32 Circus Road, London NW8 6PE

- 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 of BT Telecommunications PLC against the decision of City of Westminster Council.
 - The application Ref 18/07381/ADV, dated 29 August 2018, was refused by notice dated 23 October 2018.
 - The advertisement proposed is 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.

Procedural Matters

2. Since the submission of this appeal, the Government has published the revised National Planning Policy Framework (the Framework) on 19 February 2019, which forms a material consideration in the determination of the appeal. However, the changes have no material bearing to the main issues before this appeal.
3. This appeal was initially linked with Ref APP/X5990/W/18/3217288 which was for Prior Approval for the installation of one freestanding InLink kiosk. In March 2019, following the Westminster judgment¹, the appellant withdrew the prior approval appeal but asked that the advertisement appeal continue. The Regulations, the Framework and advice within the Planning Practice Guidance (PPG) require that decisions on advertisements be made only in the interest of amenity and public safety. Accordingly, I have determined the appeal on the basis of the above. Notwithstanding the outcome of this appeal, the necessary permissions would still be required for the kiosk itself.

Main Issues

4. The main issues are the effect of the proposed advertisements on the amenity of the area and to the significance of St John's Wood Conservation Area (SJWCA).

¹ Westminster CC v SSHCLG & New World Payphones Ltd [2019] EWHC 176 (Admin)

Reasons

5. The appeal site is on the pavement of Circus Road. The site is not located within the SJWCA and its closest boundaries are located at the junction of Cochrane Street and Kingsmill Terrace and on the opposite side of Wellington Road. This appeal relates to the provision of two digital 55-inch display screens which would be situated either side of a new InLink telephone kiosk, which has yet to be granted consent or erected on site. The InLink structure would have an overall height of around 2.9 metres.
6. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) sets out that in the exercise of planning functions with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. This statutory duty does not extend to the setting of a conservation area, but it is common ground between the parties that this is a material consideration in this appeal.
7. Whilst the area surrounding the site is commercial, with a newsagent next door and a bank opposite there is little advertising in the vicinity, in particular illuminated advertising. I acknowledge the buildings further toward the junction of Cochrane Street and Kingsmill Terrace, which comprise of a library and food outlet, but I consider these to be more traditional in appearance, especially with the canopies over the windows.
8. The advertisements would be located on a relatively wide pavement where there is little street furniture present, limited to street lighting, traffic signs and a post box. Given the little advertising on this section of Circus Road, the proposal would be a prominent and intrusive feature that would appear at odds with its surroundings. From my observations, the proposal would be viewed against the background of the adjacent property, which is currently vacant. However, through the proposed illumination of the advertisement displays and the prominent location of the proposal, I find that the nature and effect of the digital advertising would be unlike anything else experienced in the existing surrounding street scene. This would be more apparent during the hours of darkness and would form a discordant addition to the street scene that could not be overcome by suitably worded conditions.
9. Consequently, I find that the proposed advertisements would have a significant harmful effect on the amenity of the area. The advertisement would be more noticeable due to its digital advertising displays. This would result in a more striking and wider reaching visual impact on the street scene and would adversely impact on the setting of the SJWCA.
10. The appellant has referenced 2 approved applications² for digital advertising on a bus shelter and various appeal decisions³ in support of their submission, although the advertisement appeals are only of relevance in this instance. However, relatively little detail has been provided regarding the particular planning backgrounds to these schemes and I do not know what evidence was before the Inspectors at the time of their decisions. In any event all applications and appeals are judged on their own individual merits and where

² 15/08600/ADV and 15/08635/ADV

³ APP/X5990/W/17/3182307; APP/X5990/Z/17/3182308, APP/X5990/W/17/3182006, APP/X5990/Z/17/3182012 and APP/X5990/Z/16/3156856

appropriate the relevant legislative provisions. Accordingly, that is how I have assessed these appeal schemes.

11. For the reasons set out above, I conclude that the proposed advertisements would have a significant harmful impact upon the amenity of the surrounding area, including the significance of the neighbouring SJWCA. Therefore, in accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material and find that the proposed advertisements fail to accord with the overall amenity and heritage aims of Policies S25 and S28 of Westminster's City Plan 2016 and saved Policies DES1, DES8 and DES 9 of Westminster's Unitary Development Plan 2007.
12. Additionally, the proposed advertisements would not conserve the heritage asset in a manner appropriate to its significance in line with the Framework. I find that the proposed development would result in "less than substantial" harm to the SJWCA for the purposes of paragraph 196 of the Framework. I note the public benefits of the 'InLink' unit advanced by the appellant, in which the proposed advertisements would be incorporated. However, that development is not the subject of this appeal. In any event, I do not consider the nature of these public benefits to outweigh the less than substantial harm to the significance of the SJWCA. I have considered this proposal on its own planning merits and concluded that the scheme is not acceptable for the reasons set out above.

Conclusion

13. For the reasons set out above, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR