



Appeal Decision

Site visit made on 24 September 2019

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2019

Appeal Ref: APP/X5990/Z/19/3232661

Soho Fire Station, 126-128 Shaftesbury Avenue, London W1D 5ET

- 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 Infinity Outdoor Limited against the decision of City of Westminster Council.
 - The application Ref 19/02312/ADV, dated 26 March 2019, was refused by notice dated 13 May 2019.
 - The advertisement proposed is one 5m (width) x 7.5m (height) x 0.5m (depth) internally illuminated LED 'Media Screen' on the southern facing elevation of Soho Fire Station (facing Newport Place)
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the advertisement on amenity.

Reasons

3. Advertisements are subject to control in the interests of amenity and public safety, and factors relevant to amenity include the general characteristics of the locality, including the presence of any features of historic or architectural interest.
4. The appeal site is the mainly blank side elevation of Soho Fire Station which is prominent in views from Newport Place. It is adjacent to the Chinatown Conservation Area (the conservation area) and close to listed buildings at 3 and 47 Gerrard Street and 2 Gerrard Place.
5. Although the imposing blank wall detracts from the setting of the conservation area, its muted brick construction does not attract undue attention.
6. Whilst advertisements are a common feature in the immediate vicinity, due to its partially commercial nature, they are generally much lesser in size and are displayed at lower levels comparative to the appeal proposal.
7. The appeal proposal would introduce an advertisement at a high level and its prominence would be increased due to its large size and its digital nature and illumination. These factors would further differentiate it visually from other advertisements in the immediate vicinity which are generally smaller. Consequently, any associated illumination is much less imposing.

8. The advertisement would therefore be a discordant intrusion into the street scene which would be harmful to visual amenity by reason of its high level, large size and illuminated digital nature.
9. As a result, the appeal proposal would fail to preserve or enhance the character and appearance of the conservation area and would harm the setting of the listed buildings at 3 and 47 Gerrard Street and 2 Gerrard Place. Whilst the harm would be less than substantial, in line with Paragraph 196 of the NPPF, no public benefit has been evidenced which would outweigh this harm.
10. Overall, for the reasons set out above, the advertisement would have a harmful effect on visual amenity and would conflict with saved Policies DES 1, DES 8, DES 9 and DES 10 the Westminster Unitary Development Plan (WUDP) (2007) and Policies S25 and S28 of the Westminster City Plan (2016) which seek to protect amenity and so are material in this case.
11. The appeal proposal relates to a revised scheme following a previous appeal which was dismissed (Ref APP/X5990/Z/17/3177827). The scheme has been modified by omitting the decorative frame and reducing the size of the advertisement. I do not consider that the reduction in size or the omission of the framing would overcome all of the concerns identified by the previous inspector which were not solely limited to these matters.
12. In any event, each case should be considered on its own merits and this current proposal is unacceptable for the reasons outlined above. Since the previous appeal decision, improvements have been made to Newport Place to form a public square. I consider that these changes would make it more likely that people would linger within this area, therefore increasing the prominence of the advertisement. This change does not therefore offer support for the appeal.
13. Policy DES 8 of the WUDP states consent will not normally be granted for high level signs. The supporting text clarifies that high level signs may be acceptable on certain types of building such as theatres, major department stores, cinemas and pubs. Attention has been drawn to other examples of high level advertisements and while I do not have the details of all the cases, the images shown appear to relate to both a theatre and cinema and as such these types of advertisements could be permissible under this policy. Other cited examples are not within the immediately surrounding area and therefore share a different context. They do not therefore provide justification for the appeal.

Conclusion

14. For the reasons outlined above, the appeal is dismissed.

T J Burnham

INSPECTOR