The Planning Inspectorate

Appeal Decision

Site visit made on 23 September 2019 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2019

Appeal Ref: APP/X5990/Z/19/3232302
7-14 Coventry Street, London, W1D 7DH

- 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 Kingdom of Sweets against the decision of City of Westminster Council.
- The application Ref 19/02647/ADV, dated 8 April 2019, was refused by notice dated 3 June 2019.
- The development proposed is the display of 2 x flag advertisements, 2 x hanging illuminated fascia signs, 1 x circular illuminated fascia sign affixed to the building, 2 x non-illuminated banners at the first to second floor levels, and 4 x illuminated advertisements wrapped around ground floor pillars.

Decision

1. The appeal is dismissed insofar as it relates to the two flag advertisements, the two non-illuminated banners at the first to second floor levels and the four illuminated advertisements wrapped around ground floor pillars.

2. The appeal is allowed insofar as it relates to the circular illuminated fascia sign affixed to the building and the two hanging illuminated fascia signs as shown on the submitted drawings. Express consent is granted for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary matters

4. The application form stated that three flag advertisements were being applied for, however the submitted drawings only show two flags and the appellant's statement and appeal form refer to two flags being applied for. In addition, the banners at first to second floor levels were not mentioned in the application form and are only partially shown on the submitted drawings with no details of the dimensions of the banners. However, these banners have already been erected and are referred to in the appellant's statement and appeal form. I have therefore assessed the appeal including the two flags and the two banners at first to second floor level, and have changed the description of the proposed development in the heading above accordingly.

5. Most of the proposed advertising is already in place, albeit with a third flag that is not proposed as part of this appeal. The submitted drawings show different hanging illuminated fascia signs to those currently in place. I have therefore dealt with the appeal for the advertisements as shown on the drawings.

6. The Council has drawn my attention to policies S25 and S28 of Westminster's City Plan, policies DES 8, DES 9, DES 10 and paragraphs 10.108 to 10.128 of the Unitary Development Plan, and to the 'Advertisement Design Guidelines' supplementary planning guidance, all of which seek in various ways to protect amenity. However, whilst I have taken them into account as material considerations, the powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety. Consequently, in my determination of this appeal the Council's policies are not, in themselves, decisive.

Main Issue

7. The main issue is the effect of the advertisements on visual amenity and, linked to that, whether or not the advertisements preserve or enhance the character or appearance of the conservation area, and the effect of the advertisements on the setting of neighbouring Grade II listed buildings.

Reasons for the Recommendation

8. The appeal site is located within the Trocadero complex, which is in the Soho Conservation Area. Four of the buildings in the complex are Grade II listed, with the appeal site flanked by the Grade II listed Lyons Corner House, Nos 7-14 Coventry Street, and the former Scott's Restaurant, 18-20 Coventry Street. The design of the appeal building, including arched shopfronts and a three-storey arched window, creates an attractive frontage that is sympathetic to the adjacent listed buildings.

9. The appeal site falls within a vibrant commercial area with high levels of pedestrian footfall. The advertising that is the subject of this appeal comprises two flags above the shop front, two hanging fascia signs illuminated with multi-coloured bulbs, one circular illuminated fascia sign, two non-illuminated banners at first to floor level, and four close clad columns with illuminated feature multi-coloured animated LED lighting.

Banners, Flags and column cladding

10. The two banners that form the subject of the appeal hang at a right angle from the building and span both the first and second floors. They are highly prominent in the street scene. Their bold colours jar against the pale mellow colours of the premises and that of the adjoining listed buildings. The absence of banners or other forms of advertisement at such a high level in this particular part of the street make them all the more conspicuous. Whilst I acknowledge that the area has a vibrant character, the banners create a sense of clutter and thereby detract from the appearance of the building. Moreover, for the same reason they fail to preserve or enhance the character or appearance of the Conservation Area or the setting of the adjacent listed buildings.

11. Similarly, the flags, which project from the building at first floor level, are highly prominent, distracting features which add to the proliferation of clutter

on the building. As such they detract from the character and appearance of the building, do not preserve the setting of the adjacent listed buildings and fail to preserve or enhance the character or appearance of the Conservation Area.

12. The Trocadero complex previously had co-ordinated banners at first to second floor level across the whole façade fronting Coventry Street. I understand that these banners advertised the Trocadero complex as a whole and represented a unified approach to signage. The banners, which had only temporary consent, have been removed and the complex redeveloped into separate units. Whilst I acknowledge the appellant's point that the Council's guidance may not have changed since the banners were erected, as set out above, policies and guidance are not determinative considerations in a Regulation 17 appeal. I have, in any event, dealt with the proposal on its own merits.

13. I noted the presence of single flags at Bubba Gump Shrimp, part of the Trocadero complex, and the Hard Rock Café. However, I do not know whether these flags have planning permission and in any event it seems to me that they are not necessarily good examples of development to follow. I note that there are also projecting canopies at Bubba Gump. However, these canopies form more discreet advertisements that are positioned at a lower level and are respectful of the architectural form and detailing of the ground floor façade of the listed building. They are not therefore directly comparable to the proposed flags.

14. The column cladding with LED lighting is animated with multi-coloured patterns and lettering. There are no other examples of such lighting in the immediate area, and the advertisement is a garish addition to the building which is visually jarring and out-of-place at this location. As such, the column cladding with LED lighting further detracts from the character and appearance of the building, the street scene, the Conservation Area and the setting of the adjacent listed buildings.

15. I am referred to LED moving lighting in Leicester Square. However, the context of the appeal site is different to Leicester Square as a result of the distance between the two and the different character of each area. As such I am not persuaded that the LED moving lighting in Leicester Square is comparable to the column cladding at the appeal site. My attention has been also be drawn to advertisement consent[1] for an advertisement with a moving LED text display at Unit 4 Trocadero. However, from what I have seen, that signage is not directly comparable to that proposed.

16. The appellant argues that the proposed advertisements would have economic benefits and would represent sustainable development in line with the Framework. However, given the design and branding of the premises, the business would still have a presence within the street scene and I am not persuaded on the evidence before me that the plethora of signage applied for is necessary for the economic success of the business. Moreover, the powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety.

17. For the reasons given above, I consider that the banners, flags and column cladding would cause material harm to the amenity of the area.

[1] Advertisement Consent ref. 17/05026/ADV

Fascia signs

18. The circular fascia sign appears to be a similar size to a previous circular fascia sign, although there was a period where there was no sign in place. The design and colours of the sign are relatively simple. The proposed hanging fascia signs would also be of a simpler design and colour scheme compared to the existing hanging fascia signs. The existing purple backing boards would be removed which would further improve the appearance of the lettering. As a result, the hanging fascia signs would be more sympathetic to the frontage, and the signs would be comparable to previous hanging fascia signs and to existing fascia signs nearby.

19. Consequently, the circular and hanging fascia signs would be in keeping with the appearance of the building and would not detract from the character and appearance of the street scene, the Conservation Area or the setting of the adjacent listed buildings.

20. For the reasons given above, I consider that the fascia signs would not cause material harm to the amenity of the area.

Conclusion and Recommendation

21. For the reasons given above and having had regard to all other matters raised, I conclude that the display of the two non-illuminated banners at the first to second floor levels, the two flag advertisements and the four illuminated advertisements wrapped around ground floor pillars would be detrimental to the interests of amenity but that the circular illuminated fascia sign affixed to the building and the two hanging illuminated fascia signs, as shown on the submitted drawings, are acceptable on amenity grounds. I therefore recommend a split decision.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis a split decision is issued.

S Ashworth

INSPECTOR