



Appeal Decision

Site visit made on 23 September 2019 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2019

Appeal Ref: APP/X5990/Z/19/3233742

**Sussex House, 139-143 Long Acre and 16-19 Upper St Martin's Lane,
London, WC2H 9EF**

- 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 Justin Myers on behalf of blowUP Media UK Ltd against the decision of Westminster City Council.
 - The application Ref 19/04108/ADV, dated 24 May 2019, was refused by notice dated 25 June 2019.
 - The development proposed is the display of 2 externally illuminated advertisement banners for a temporary period of 12 months.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. 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.

Main Issue

3. The main issue is the effect of the advertisement on visual amenity.

Reasons for the Recommendation

4. The appeal site comprises a six-storey building with commercial units at the ground floor. The building is located at a six-route road junction, with elevations on Upper St Martins Lane and Long Acre. The site is outside but adjacent to the Covent Garden Conservation Area. The proposal is for the display of two externally illuminated advertisement banners, one on the Upper St Martins Lane elevation and one on the Long Acre elevation. The Council has not raised any concerns regarding the impact of the proposal on the setting of the adjacent Conservation Area, and from all I have seen and read, I have no reason to disagree.
 5. Part of the two side elevations of the building have blank brick sections with no windows which span the second to the fourth storeys. It is on these sections of the building that the proposed banners would be displayed. The construction shroud that covered most of the adjacent corner property at the time of the
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application has since been removed and the construction works have been completed.

6. The appeal site falls within a primarily commercial area with high levels of pedestrian footfall. Whilst I acknowledge that this is a vibrant area, other advertisements in the immediate area are at ground floor level with some lamp post banners to the south of the appeal site. There are no other adverts or banners of a similar size or elevated position in the vicinity of the site.
7. The proposed banners would constitute substantial displays at a high-level that would be visible from all approaches to the site and which would dominate the building and be over-bearing to passers-by. Illumination would increase their prominence in the street scene. Whilst I recognise that the design of the building, and in particular the areas of unrelieved brickwork, does not reflect the style of others in the locality, the advertisements would be a discordant and distracting feature in the street scene. As such the banners would not contribute positively to the appearance of the building and would detract from the appearance and character of the area, despite their temporary nature and the commercial nature of the area.
8. My attention has been drawn to an appeal decision relating to 25-27 Oxford Street where it was found that direct views of a high-level advertisement would be limited. I do not have the details of that case before me to know whether it was directly comparable to the appeal proposal, which I have determined on its merits. However, whilst I agree that views of the displays may be limited from some vantage points, specifically from immediately below them, as commercial advertisements they would clearly be designed and positioned to be seen.
9. The National Planning Practice Guidance states that large poster hoardings may be acceptable in large cities and the appellant has drawn my attention to other advertising displays within this and other cities in Europe. However, the NPPG makes it clear that such advertisements are only acceptable where they would not adversely affect the visual amenity of the neighbourhood or the site. As set out above, the proposal would be detrimental to visual amenity.
10. The appellant has drawn my attention to advertisements at 291 Oxford Street, and 88 Brompton Road, London. However, it appears that they are positioned on a shroud designed to conceal and contain building operations. No details for these displays have been provided. Nevertheless, given that the proposal before me is not a shroud but an advertisement that would have no direct relationship to the building on which it was displayed, the context of these cases is not directly comparable with it.
11. For the reasons given above, the advertisement would cause significant harm to the amenity of the area.
12. The Council has drawn my attention to policy S28 of Westminster's City Plan, and policy DES 8 and paragraphs 10.93 – 10.95 and 10.98 of the Unitary Development Plan which seek 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.

Conclusion and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR