The Planning Inspectorate

Appeal Decision

Site visit made on 12 November 2019

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2019

Appeal Ref: APP/K5600/Z/19/3237996
163-165 Earls Court Road, London

- 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 'The Halal Guys' against the decision of The Council of The Royal Borough of Kensington & Chelsea.
- The application Ref CA/19/03787, dated 29 May 2019, was refused by notice dated 15 August 2019.
- The advertisement proposed is for 3 x fascia signs and 1 x hanging sign.

Decision

1. The appeal is allowed and express consent is granted for the display of 3 x fascia signs and 1 x hanging sign as applied for. The decision is subject to the five standard conditions set out in the Regulations and the following non-standard conditions:

    1. The maximum steady brightness of the illumination of the advertisements shall not exceed 500 candelas per square metre.

    2. The advertisements shall only be illuminated during the opening hours of the premises to which it relates.

    3. The illumination of the advertisements shall not at any time be intermittent.

Procedural Matter

2. The advertisements are already in place on the property and appear as proposed.

Main Issue

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

Reasons

4. This property is on a corner plot, partially facing the busy Earl's Court Road, which has primarily retail or 'food and drink' uses at ground floor levels in the area of the site. I observed the proposed advertisements on site, together with many of the other fascia and hanging signs on neighbouring retail or 'food and drink' units. This area of Earl's Court Road has a variety of signage styles, but there are numerous examples of illuminated advertisements being used, both on the fascia and for the hanging signs.

5. On this basis the advertisements subject to this appeal do not appear incongruous, overly prominent, or out of keeping with this setting. The materials and lettering, together with the size and position of the advertisements, appear appropriate. On this basis the advertisements would not be harmful to the visual amenity of the streetscene.

6. The advertisements would be visible from within the Nevern Square conservation area. The conservation area is made up of Victorian terraced houses and 'mansion' flats, with many listed buildings. However, whilst visible from the Conservation Area, the advertisements are seen within the context of other numerous similar illuminated advertisements. Therefore, the advertisements do not harm the character or special significance of this Conservation Area.

7. I have no evidence that the proposed advertisements are a hazardous distraction for drivers on adjacent highways, especially considering the many other illuminated signage along Earl's Court Road. As such, I do not regard the advertisement as resulting in an overly distracting hazard to highway users or have any other public safety issue.

8. The application and this subsequent appeal are based on the advertisement proposed and the use of the unit itself is not under consideration with this decision.

9. Overall, the advertisements accord with Consolidated Local Plan policy CR4 and are in general accordance with the Shopfront Design Guide Supplementary Planning Document 2011. Policy CR4 requires that proposed adverts do not harm amenity or public safety.

10. For the reasons outlined above the appeal should be allowed. As well as the standard advert conditions set out in the Advertisement Regulations, the consent will also be subject to a non-standard conditions to prevent intermittent lighting, which may prove a significant distraction or nuisance; ensure against illumination at levels which may cause issue with neighbours or passing traffic; and also that the illumination should only be used when the business is open, to minimize the use of illumination in the interests of visual amenity.

S. Rennie

INSPECTOR