



Appeal Decision

Site visit made on 26 February 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2020

Appeal Ref: APP/X5990/Z/20/3244492

144 Marylebone Road, London NW1 5PH

- 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 Jova London Ltd against the decision of City of Westminster Council.
 - The application Ref 19/09203/ADV, dated 26 November 2019, was refused by notice dated 30 December 2019.
 - The advertisements proposed are the display of one internally illuminated projecting sign measuring 0.5m x 0.5m, one internally illuminated lightbox sign (behind window) measuring 0.1m x 0.35m and an awning.
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Decision

1. The appeal is allowed and express consent is granted for the display of one internally illuminated projecting sign measuring 0.5m x 0.5m, one internally illuminated lightbox sign (behind window) measuring 0.1m x 0.35m and an awning as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Procedural Matter

2. The Regulations and the National Planning Policy Framework (the Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Whilst the Council has drawn my attention to policies within its Development Plan it considers relevant to this appeal, and I have taken them into account as a material consideration, the Council's policies have not, by themselves, been decisive.

Main Issue

3. The main issue is the effect of the advertisements on amenity.

Reasons

4. The appeal site is located on the north side of Marylebone Road and relates to a ground floor premises which is currently being used as a coffee shop. As stated on the application form, and as I saw at my site visit, the advertisements proposed were already being displayed. I also noted that there were other internally illuminated signs in the vicinity of the site including signage relating to a spa, thai massage and restaurants along the same

building frontage as the appeal site. There were also other projecting illuminated signage on the adjacent block fronting Marylebone Road.

5. The appeal site is located within the Dorset Square Conservation Area (DSCA). It is also opposite the Portman Estate Conservation Area. The Council's concern relates to the illuminated aspect of the projecting sign only. In that sense, the council would prefer the sign to be externally illuminated.
6. Notwithstanding that, to my mind, the method of illumination of the projecting sign is not too dissimilar to other projecting signage in the vicinity of the appeal site. Furthermore, I consider that the sign is of a suitable size and design for the commercial ground floor of the building and its illumination is not harmful to the area as a whole. Its siting is also appropriate in relation to the shop-front itself.
7. To that end, I consider that the signage does not harm the amenity of the host building or the wider area. It also preserves the character and appearance of the DSCA.
8. The council have referred to Policy DES 8 of the City of Westminster Unitary Development Plan (2007) which states that consent will not normally be granted for internally illuminated projecting signs within conservation areas. Whilst the proposal is clearly contrary to this policy, in this instance, I consider that this is not a determinative factor which would warrant the withholding of advertisement consent.
9. For the above reasons, the proposed advertisements would not be detrimental to the interests of amenity and would preserve the DSCA. Consequently, the proposal would accord with Policies S25 and S28 of the Westminster City Plan (2016) which amongst other matters seek to recognise and preserve Westminster's historic environment including excellence in design quality.

Conditions

10. The Council have stated on their appeal questionnaire that they consider that there are no other conditions other than the five standard advertisement conditions as set out in Schedule 2 of the 2007 Regulations. Given the nature of the appeal proposal, I have no reason to disagree with that view.

Conclusion

11. Taking all matters into consideration, for the reasons given above I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR