
Appeal Decision

Site visit made on 1 October 2020

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 October 2020

Appeal Ref: APP/X5990/Z/20/3253288

1 Berkeley Street, London W1J 8NE

- 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 the City of Westminster Council.
 - The application Ref 20/01772/ADV, dated 10 March 2020, was refused by notice dated 15 April 2020.
 - The advertisement proposed is the display of three temporary non-illuminated commercial signs at Berkeley Street - 20m (w) x 17.5m (h), Piccadilly - 40m (w) x 17.5m (h) and Dover Street - 18.5m (w) x 17.5m (h) within scaffolding shroud - incorporating a 1:1 facade replication of existing building - surrounding 1 Berkeley Street.
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Decision

1. The appeal is allowed and express consent is granted for the display of three temporary non-illuminated commercial signs at Berkeley Street - 20m (w) x 17.5m (h), Piccadilly - 40m (w) x 17.5m (h) and Dover Street - 18.5m (w) x 17.5m (h) within scaffolding shroud - incorporating a 1:1 facade replication of existing building - surrounding 1 Berkeley Street, as applied for.
2. The consent is for a maximum period up to 1 June 2022 and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The advertisements shall be removed at the end of the temporary period of express consent or when the external refurbishment works to the building have been completed, whichever is sooner.
 - 2) The 1:1 replica of the existing building's façade illustrated on the shroud shall be coloured stone as shown in Appendix 1 of the Planning and Design Statement dated March 2020.

Procedural matter

3. An application for costs has been made by the appellant against the Council. This application is the subject of a separate decision.

Main issue

4. The main issue is the effect of the proposed advertisements on amenity.

Reasons

5. Specific mention is made in the Government's Planning Practice Guidance to shroud and large 'wrap' advertisements. The Guidance states that buildings that are being renovated or are undergoing major structural work and which have scaffolding or netting around them may be considered suitable as temporary sites for shroud advertisements or large 'wrap' advertisements covering the face, or part of the face, of a building.
6. In this case, the site contains a substantial building that occupies a prominent position between Berkeley Street and Dover Street with a frontage to Piccadilly. It falls within the Mayfair Conservation Area (CA) and is opposite St James's Conservation Area. There are also several listed buildings in the vicinity of the site including the Ritz Hotel, 157-160 Piccadilly, 49 St James's Street, Devonshire House and 63-65 Piccadilly. It is the settings of these particular buildings that are referred to in the reason for refusal.
7. Three non-illuminated advertisements are proposed on a scaffold shroud that would wrap around 3 sides of the building. That part of the shroud not covered by the advertisements would show a 1:1 replica of the existing building's façade. Although the advertisements would cover a relatively modest area of the shroud, each display would still be a sizeable feature, occupying an elevated position roughly between the second and fourth floors of the building. As a result, the display would be highly visible in both short and long-range views from numerous public vantage points, particularly on the approach to the site along Piccadilly in both directions. From this highway, and from Dover Street and Berkeley Street, the considerable size and high level position of the advertisements would cause them to be visually dominant features in the local street scenes to which they would belong.
8. Nevertheless, the advertisements would be displayed on a building that addresses a wide and busy thoroughfare in an area with a strong commercial and retail character. In that context, the display of large prominent advertisements is not an unexpected feature. The alternative to the proposal is a drab and uninteresting façade of sheeting around the scaffolding, which I saw was in place above ground floor level at the site visit. This arrangement presents a dull and untidy effect. It is bland and featureless, creating a void in a highly visible position close to busy roads within an otherwise vibrant commercial area. Rather than having a neutral effect, as the Council suggests, it would, and from what I observed does, detract from the amenity of the area, and significantly so.
9. The proposal, on the other hand, would enliven 3 façades of the building with images and colour and provide additional interest in the local street scenes. The advertisements would be in keeping with the strong sense of commercial and retail activity that is a hallmark of Piccadilly in particular and is prevalent within the CA more generally. In that context, and as a temporary expedient, the proposal would be far preferable to the appearance of sheeting on scaffolding in such a prominent position.
10. On balance, having regard to the above, the proposed advertisements, as temporary features during the course of works to the building, would not appear visually incongruous or, as part of the scaffold screen, be unduly obtrusive in the local street scenes. The vibrant commercial and retail character and appearance of the CA would be preserved during the temporary

presence of the proposal. Each of the listed buildings identified by the Council stands confidently in its context and has a robust visual presence within the street scene. Consequently, their settings would not be adversely affected, nor would that of St James's Conservation Area, all of which would be preserved.

11. Both parties have drawn my attention to several applications and appeals for similar proposals elsewhere, some of which were dismissed and others were allowed. In my experience, it is rare that the particular circumstances are the same between individual cases. From the information provided, none of the examples cited are directly comparable with those of the proposal, which has been assessed on its own merits. ^{1}_{SEP}
12. On the main issue, I conclude that the proposed advertisements are acceptable with regard to amenity. In reaching this conclusion, I have taken into account the policies to which the Council has referred insofar as they relate to amenity. Given that I have concluded that the proposal would not harm amenity, it does not conflict with these policies.

Conditions

13. In addition to the standard conditions, to ensure that the display is only in place during the period of the works to the building, a further condition is required to ensure the display is removed at the end of the temporary period of consent or when the works have been completed, whichever first occurs. The temporary period of consent reflects the time sought in the application. Given my findings with regard to amenity, the 12-month timeframe for the consent suggested by the Council is not imposed.
14. Of the options presented in the appellant's Planning and Design Statement, the stone colour of the 1:1 replica would be more in keeping with the appearance of nearby buildings. For clarity, a condition is also imposed to require that this option be implemented.

Conclusion

15. Subject to these conditions, the appeal is allowed.

Gary Deane

INSPECTOR