



Appeal Decision

Site visit made on 10 November 2020

by J Hunter BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2020

Appeal Ref: APP/X5990/Z/20/3246147

**Grofton House, 377-381 Euston Road, London, City of Westminster
NW1 3AU**

- 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 Mr Sam Dayeh against the decision of City of Westminster Council.
 - The application Ref 19/07568/ADV, dated 20 September 2019, was refused by notice dated 22 September 2020.
 - The advertisement proposed is described as *"The LED Billboard will be installed and positioned between the walls of Grafton House (379-381 Euston Rd NW1 3AU) and the Greene Man Pub (383 Euston Rd NW1 3AU). This land is currently a non-access alleyway between the 2 buildings. The land (which is approximately 3000mm wide) currently has planning consent for the construction of a 4 story residential building (referred to as the "Skinny House")"*.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations¹ to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors including the general characteristics of the locality, the presence of any features of historic, architectural, cultural or similar interest. In my determination of this appeal the Council's policies have not therefore, by themselves, been decisive.

Main Issue

3. The main issue is the effect of the proposal upon amenity, with regard to the significance of the adjacent Harley Street and Regents Park Conservation Areas and the setting of nearby Grade I and II listed buildings.

Reasons

4. The appeal site is a narrow strip of land between two tall buildings. The land has an approximate width of 3 metres and I saw during my site visit that there was no public access. The site sits close to, but outside of the boundaries of the Regent's Park Conservation Area(RCA) and the Harley Street Conservation Area

¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007

(HCA). To the west, and in clear view from the site is the Great Portland Street Tube Station, a Grade II listed building. Directly opposite the tube station building is the Holy Trinity Church, a Grade I listed building.

5. The immediate area surrounding the appeal site is a busy, central London thoroughfare characterised by generally larger scale buildings of a varied architectural style and date. There is a mix of traditional frontages akin to the public house which adjoins the appeal site and large scale modern glazed frontages that contain office and residential uses. The nearby listed buildings represent key reference points to the history and growth of the local area and as such make a significant contribution to the character and appearance of the area as a whole.
6. The proposal would see the insertion of a single sided internally illuminated LED digital display screen in the gap between the existing buildings. The screen would sit above a solid fence (with central gate) of around 2.4 metres in height. The screen itself would measure around 6 metres in height by 3 metres in width thus filling the gap between the existing buildings. Submissions indicate that the display would show static images that would not change more than every 10 seconds with a maximum luminance of 450cd/m².
7. I acknowledge that the appeal site is located within a busy commercial thoroughfare however, there is a distinct absence of illuminated advertisements in the immediate vicinity. Consequently, I consider that by virtue of its large scale and prominent positioning the proposal would appear out of place and intrusive. Furthermore, the internally illuminated display of a sequential series of static digital images would increase the prominence of the advertisements in views towards the nearby listed buildings and the CAs. Thus, while the luminance level, display of moving images and rate of image transition could be controlled by conditions, the proposal would introduce isolated and discordant features into the street.
8. For the foregoing reasons, I conclude that the appeal proposal would have a harmful effect upon amenity, including the significance of the adjacent CAs and the setting of nearby listed buildings.
9. I have taken into account Policies S25 and S28 of the Westminster City Plan, and Policies DES 1, DES 8, DES 9 and DES 10 of the City of Westminster Unitary Development Plan. These aim to ensure good design, heritage protection and enhancement and secure the highest standards of design in all advertisements and their compatibility with the townscape, and so are material in this case. Given I have concluded the appeal proposal would harm amenity, it would therefore conflict with these policies.

Conclusion

10. For the reasons outlined above, and taking into account all other matters raised, I conclude the appeal should be dismissed.

J Hunter

INSPECTOR

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