



Appeal Decision

Site visit made on 9 November 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2020

Appeal Ref: APP/K5600/Z/20/3254133

197 Kensington High Street, London W8 6BA

- 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 Blow Up Media UK Ltd against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref CA/20/02069, dated 27 March 2020, was refused by notice dated 5 June 2020.
 - The advertisement proposed is a temporary decorative scaffold shroud screen advertisement comprising a 1:1 image of the proposed new building facade with an information and advertising area inset along the Kensington High Street frontage measuring 7.8m x 8.2m for a period of 12 months during building works.
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Decision

1. The appeal is allowed and express consent is granted for the display of a temporary decorative scaffold shroud screen advertisement comprising a 1:1 image of the proposed new building facade with an information and advertising area inset along the Kensington High Street frontage measuring 7.8m x 8.2m as applied for. The consent is for a maximum period of 12 months and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The express consent hereby granted shall begin on the date of the commencement of the display or 3 months from the date of this decision, whichever is the earlier. Written notice shall be given to the Council of the date of commencement of the display within 7 days of commencement.
 - 2) The inset advertising area shall not exceed 7.8m x 8.2m and shall only be displayed at the same time as the 1:1 image.
 - 3) The 1:1 image shall be non-illuminated. The intensity of any illumination to the advertising area shall not exceed 300 candelas per square metre and shall accord with the Institute of Lighting Professionals' *Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements*.
 - 4) The advertisements permitted by this consent shall be displayed for a limited period only. On or before the date of the completion of building operations authorised by planning permission reference PP/19/05247, or the expiry of 12 months from the start date of this express consent defined in Condition 1 (whichever is the earlier), the advertisements shall be removed and the use of the site for the display of advertisements discontinued.

Procedural Matter

2. The description of development in the banner heading above is taken from the appeal form, as it is slightly more accurate than that used on the application form which did not include a reference to illumination. I have omitted reference to the advertisement being proposed only for a limited period of time in my formal decision, as this does not describe the proposed advertisement.

Main Issue

3. The main issue is the effect of the proposed display on amenity, with particular regard to the character and appearance of two Conservation Areas.

Reasons

4. The appeal site is at the corner of Allen Street and Kensington High Street, where planning permission has been granted for the demolition of the buildings on the site and the erection of a 5-storey building¹. The site lies within the Edwardes Square, Scarsdale and Abingdon Conservation Area, and adjacent to the Kensington Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Areas.
5. Advertisement consent is sought for a shroud wrapped around scaffolding to be erected on the site. The wrap would bear a 1:1 image of the new building behind, with an area approximately 7.8m wide by 8.2m high given over to an externally-illuminated advertisement at first, second and third-floor level on the Kensington High Street frontage. The Planning Practice Guidance makes specific reference to shroud and large 'wrap' advertisements. It states that buildings which 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 building².
6. Kensington High Street is a busy commercial street. That part of it closest to the appeal site is characterised by medium scale period properties, and although most ground floor units are in retail and similar uses there is an absence of high-level advertisements. Consequently, the attractive facades of the surrounding period buildings form the dominant part of the street's character. While in the context of a retail and commercial area the presence of some advertisements would not be wholly unexpected, I accept that in most circumstances a large illuminated advertisement at the appeal site would be unlikely to be considered desirable in terms of its effect on the visual quality of the surrounding area.
7. However, the alternative to the proposal before me is not a view of an attractive period building, but of a construction site screened by scaffolding and sheeting. At the time of my site visit the building which previously stood there had been substantially demolished, and the site was surrounded by a timber hoarding at ground level with a screened scaffold at first floor level. While it was reasonably neat and orderly, it did not in my view amount to a positive contribution to the character of the area.

¹ Kensington & Chelsea reference PP/19/05247

² Paragraph: 005 Reference ID: 18b-005-20140306

8. On the other hand, the proposal before me would provide a relatively attractive and colourful display to both street frontages, offering visual interest in a reasonably prominent corner location. While the inset advertising area proposed on the Kensington High Street frontage would be a sizeable feature, which would further draw attention by being illuminated, it would also mostly be seen in oblique views along the street. The side of the shroud to Allen Street, which is smaller in scale than Kensington High Street and almost entirely residential in character, would not incorporate any commercial advertising. In this context I consider that the proposal would, as a short term and temporary initiative, be preferable in its appearance to the ordinary and bland sheeting which would undoubtedly be used otherwise.
9. Taking all these points together, although the proposed advertisement would be large and prominent it would create visual interest for the surrounding area while providing tidy and attractive screening for the construction work behind. Given that the scaffold and shroud would only be in place for a temporary period, I consider that the character and appearance of the two Conservation Areas would be preserved. Accordingly, I conclude that the proposal would not have a harmful effect on amenity.
10. In accordance with the Regulations I have taken into account the provisions of the development plan so far as they are material, although they have not by themselves been decisive. The proposal complies with Policies CL3, CL11 and CR4 of the 2019 Consolidated Local Plan, which together seek to ensure that developments, including advertisements, preserve or enhance the character or appearance of Conservation Areas, including views into or out of Conservation Areas.

Conditions

11. In addition to the five standard conditions set out in the Regulations I have imposed four additional conditions, based on those suggested by both main parties. As it is not clear when the display would commence, I have imposed a condition which would see the temporary grant of consent run from the earlier of the commencement of the display or 3 months from the decision date, as permitted by Regulation 14(8) of the Regulations. To ensure that compliance can be monitored I have also included a requirement that written notice of the commencement date shall be given to the Council (1). Further conditions in respect of the size and display of the inset advertising panel (2), intensity of illumination (3), and requiring removal of the display at the end of the temporary period of consent or when the works have been completed, whichever first occurs (4) are necessary in order to protect amenity.

Conclusion

12. For the reasons given above I conclude that, subject to conditions, the display of the advertisement would not be harmful to amenity. The appeal is therefore allowed.

M Cryan

Inspector