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## Appeal Decisions

Site visit made on 7 September 2020 by Hilary Senior BA (Hons) MCD MRTPI

**by Susan Ashworth BA (Hons) BPL MRTPI**

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

**Decision date: 30 November 2020**

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### **Appeal A Ref: APP/K5600/Z/20/3251201**

#### **Open land to the north-west of Holland Park Roundabout, Holland Park Roundabout, London W12 8LB**

- 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 Thomas Johnston (JCDecaux UK) against the decision of The Council of The Royal Borough of Kensington & Chelsea.
  - The application Ref CA/20/00700, dated 30 January 2020, was refused by notice dated 6 March 2020.
  - The advertisement proposed is Installation of an advertising display, measuring approximately 6mx3m on a specially designed support leg. The proposed display will be a single-sided 48 sheet unit facing eastbound traffic positioned on Holland Park Roundabout, near the junction of Shepherds Bush Road.
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### **Appeal B Ref: APP/K5600/Z/20/3251205**

#### **Paved pedestrian walkway to the east of Holland Park Roundabout, Holland Park Roundabout, Holland Park Avenue W11 4UJ**

- 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 Thomas Johnston (JCDecaux UK) against the decision of The Council of The Royal Borough of Kensington & Chelsea.
  - The application Ref CA/20/00704, dated 30 January 2020, was refused by notice dated 12 March 2020.
  - The advertisement proposed is Installation of an advertising display, measuring approximately 6mx3m on a specially designed support leg. the proposed display will be a single-sided 48 sheet unit facing eastbound and southbound traffic, positioned on a paved pedestrian walkway to the east of Holland Park Roundabout, along Holland Park Avenue.
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## **Decisions**

1. Appeal A : The appeal is dismissed
2. Appeal B: The appeal is dismissed.

## **Appeal Procedure**

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

## **Procedural Matters**

4. The Council has drawn my attention to Development Plan policies it considers relevant to this appeal and I have taken them into account where relevant. However, powers under the Regulations<sup>1</sup> to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance reiterates this approach.
5. Both appeals A and B are within close proximity of each other at Holland Park Roundabout, with broadly the same issues to consider. Whilst I have considered each proposal on its individual merits, in the interests of conciseness I have issued a single decision covering both appeals.
6. From all I have seen and read appeal site B is within the boundary of the Norland Conservation Area. Appeal site A is outside the boundary but is within the its setting. Both advertisements would lie within the setting of listed buildings including Grade II listed 180-186 Holland Park Avenue and Grade II\* listed building on Royal Crescent.

### **Main Issues**

7. The main issues are the effect of the advertisement on the amenity of the area and on highway safety.

### **Reasons**

#### *Visual amenity*

8. The appeal sites are at Holland Park Roundabout. In Appeal A, the advertisement would be sited on open land on the north west of Holland Park roundabout and in Appeal B the advertisement would be on the pedestrian walkway to the east of the roundabout, close to a community garden.
9. Holland Park roundabout is a major intersection of several major roads. There are several lanes of traffic and pedestrian crossings at the junctions. The centre of the roundabout incorporates operations and building owned by Thames Water as well as substantial landscaping.
10. The advertisements would be displayed on architect designed structures constructed from powder coated steel, cast iron and aluminium with a single cylindrical leg and projecting tapered beam support with a single sided advertisement attached to it. The overall height would be around 6.5 metres with the advertisement 3 metres from the ground and with dimensions approximately 6 metres by 3 metres.
11. The advertisements would be located in prominent positions, highly visible from the surrounding area to both road users and pedestrians. The appellant suggests that the commercial nature of the location makes it appropriate location for the advertisements. I acknowledge that there are substantial digital advertisements, connected with the Westfield shopping centre in close proximity to the proposals, in particular Appeal site A. However, these are viewed in the context of the large commercial buildings behind them, whereas, in Appeal A the proposed advertisement would be viewed by traffic waiting to enter the roundabout and travelling round it with a backdrop of an open landscaped area currently devoid of advertisements. Appeal site B would be

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<sup>1</sup> The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

viewed by traffic on the roundabout again with a landscaped backdrop and within the setting of the listed buildings on Holland Park Avenue.

12. The side elevation of the Grade II listed building, 186 Holland Park Avenue, faces the roundabout with an open landscaped area adjacent to it, which includes a community garden set into part of the footway. This open and landscaped setting allows the building to be viewed and appreciated from the surrounding area. The scale, prominent siting and digital format of the advertisements would make them an overly dominant feature on this side of the roundabout, which has more residential character given the smaller scale of the buildings. For the same reason it would reduce the ability to appreciate the heritage asset and would not therefore preserve its setting.
13. This impact on the street scene would be compounded by the intermittent changing of the illuminated display that would significantly draw the eye, further accentuating the visual prominence and harmful effect on the amenity of the area. Due to the scale, form and overly prominent position of the advertisements, I find that they would adversely affect the visual amenities of the area and would neither preserve nor enhance the Conservation Area.
14. Consequently, these advertisements would result in unacceptable harm to visual amenity. They would be contrary to guidance within the Framework, policies of the Royal Borough of Kensington and Chelsea Local Plan (2019) and of the Norland Neighbourhood Plan which although not decisive together seek to ensure that proposals do not harm the character of the area.

#### *Highway safety*

15. The National Planning Practice Guidance (PPG) section on advertisements states that all advertisements are intended to attract attention, with those proposed at points where drivers need to take more care more likely to affect public safety. Furthermore, it advises that the main types of advertisement which may cause danger to road users are those which are illuminated which could be mistaken for, or confused with, traffic lights and those subject to frequent changes of the display. Moreover, those which, because of their size or siting, would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal can also pose a risk to highway safety.
16. Whilst there is no accident data before these appeals, it seems to me that the location of large digital advertisement hoardings, on the centre of and on the edge of a complex, busy and well trafficked roundabout, with associated traffic light controls and pedestrian crossings would distract drivers. The convergence of a number of main road, means that to negotiate the roundabout safely most vehicles would have to change lanes and the advertisements would be in the drivers field of vision with the potential to cause distractions where full attention needs to be on road conditions.
17. The appellant has proposed conditions to ensure any displayed advertisements would not include moving visual effects and to limit the level of illumination. However, due to the above this would not be sufficient to mitigate the harm to highway safety.
18. In accordance with the Regulations, I have taken into account the provisions of the development plan in so far as they are relevant. Policy CT1 and CR4 of the

Royal Borough of Kensington and Chelsea Local Plan (2019) state development for advertisements should not harm road safety.

**Conclusion and Recommendation**

19. For the reasons given above and having regard to all other matters raised, I recommend that the appeals are dismissed.

*Hilary Senior*

APPEAL PLANNING OFFICER

**Inspector's Decision**

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeals are dismissed.

*Susan Ashworth*

INSPECTOR