
Appeal Decision

Site visit made on 15 December 2020

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2020.

Appeal Ref: APP/X5990/Z/20/3253817

Kiosk for River Boats Westminster Pier, Victoria Embankment, London SW1A 2JH

- 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 Valdi Mraz of Citycruises LTS against the decision of City of Westminster Council.
 - The application Ref 20/00842/ADV, dated 5 February 2020, was refused by notice dated 17 April 2020.
 - The advertisement proposed is to replace existing 2 posters with digital screens that will be used only between 09:00am and 7:30pm. Screens will be displaying rates and departure times of boats that is required for the commuters.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Powers under the Regulations to control advertisements may be exercised only in the interests of amenity and where appropriate public safety, taking account of any material factors. The Council has drawn to my attention the policies it considers relevant and I have taken them into account as a material consideration though they have not, by themselves, been decisive in reaching my determination on this appeal.

Main Issue

3. The main issue is the effect of the advertisement on visual amenity; including the effect on the setting of the nearby listed Embankment Wall and whether or not it would preserve or enhance the character or appearance of the Whitehall Conservation Area.

Reasons

4. The appeal site is a kiosk, operated by 'City Cruises', for river boats situated on Victoria Embankment, within close proximity to the entrance to Westminster Pier. Westminster Pier is located near Westminster Bridge on the River Thames. The pier is accessed from Victoria Embankment which also provides pedestrian access to Westminster underground station. A number of other kiosks and a burger van are situated in the immediate vicinity of the kiosk.
5. The kiosk itself is not listed but the Embankment Wall, which it abuts, is Grade II listed and within the Whitehall Conservation Area (CA). The application site is

also within close proximity to several other notable sites including the Grade II listed Westminster Bridge, Grade II star County Hall on the opposite side of the river, Grade II star Norman Shaw Building South and the Grade I listed Norman Shaw Building North.

6. I am required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Furthermore, the National Planning Policy Framework (the Framework) states in paragraph 132 that the quality and character of places can suffer when advertisements are poorly sited and designed. As set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, advertisements should be subject to control in the interests of amenity and public safety, and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. Therefore, as the Planning Practice Guidance explains, if the locality where an advertisement is to be displayed has important scenic, historic, architectural or cultural features, consideration should be given to whether it is in scale and in keeping with these features.
7. The application proposal relates to the display of two internally illuminated digital screens which would replace two existing non-illuminated signs. The area within which the kiosk sits has a somewhat cluttered appearance as a result of the variety of colours, kiosks, information boards and related paraphernalia. Whilst there are a number of signs on the existing kiosks these are largely non-illuminated. Street furniture within the immediate area is also of a largely traditional appearance.
8. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material. Of particular relevance to the appeal proposal, Policy DES8 of the City of Westminster Unitary Development Plan 2007 (UDP) states that consent will be granted for advertisements which are well designed and sensitively located within the street scene and which relate to the character, scale and architectural features of the buildings on which they are fixed. Consent will not normally be granted in sensitive locations or where the proposed advert, seen in conjunction with existing signs, would lead to visual clutter on a building.
9. Furthermore, Policy S25 of Westminster's City Plan, November 2016 states that Westminster's heritage assets will be conserved, including its listed buildings and conservation areas and Policy S28 seeks exemplary standards of design and states that in the correct context imaginative modern architecture is encouraged provided that it respects Westminster's heritage and local distinctiveness.
10. In my view, the proposed illuminated digital screens would add further intrusive visual clutter in an already visually 'busy' area. In my view, the proposal would detract from the nearby heritage assets and cause harm to character and appearance of the area. The contemporary nature of such screens would appear incongruous within the traditional context of the area and would fail to assimilate well with, and would not respect, Westminster's heritage and local distinctiveness.
11. I recognise that views of the proposed signage would be limited. However, views are nevertheless available from a number of key, sensitive, public

vantage points. I note that the Thames Clipper entrance nearby has a small digital display. However, this display is situated in a different visual context, further from the nearby visual clutter and is discreet and smaller than is the case in this proposal.

12. For the reasons set out above, I consider that the proposal would conflict with the development plan, cause harm to the setting of the nearby listed buildings and structures, fail to preserve or enhance the character or appearance of the CA and thereby cause harm to amenity.

Other Matters

13. I recognise the views of the appellant that the proposal would reduce crowds and have benefits in this regard. Furthermore, I note the intention of the scheme to improve the appearance of the existing kiosk. I also acknowledge that the proposal would meet lighting requirements in other regards and would be illuminated for restricted hours of the day. I have given careful regard to all of the above considerations. However, none are sufficient to dissuade me from the conclusions I have reached above.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

L J O'Brien

INSPECTOR