



Appeal Decision

Site visit made on 15 June 2021

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2021

Appeal Ref: APP/X5990/Z/21/3271204

42 Albemarle Street, London W1S 4JH

- 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 Gymkhana Restaurants Ltd against the decision of City of Westminster Council.
 - The application Ref 20/08061/ADV, dated 3 December 2020, was refused by notice dated 2 February 2021.
 - The advertisement proposed is 1 no. menu board.
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Decision

1. The appeal is allowed and express consent is granted for 1 no. menu board as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional condition: The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 110 candelas per square metre.

Procedural Matters

2. Since consent was refused and the appeal lodged the Council has adopted the City Plan 2019 – 2040 (April 2021) (the CP), which replaces the policies of the Westminster City Plan (2016) and the Unitary Development Plan (2007). I have given the Council and the appellant the opportunity to comment upon this matter.
3. The plans on the decision notice are listed as 342REVCO1 and 216 REVCO7. However, it has subsequently been clarified that the plans before the Council were 342 REVCO1 and 217 REVCO7. I have considered the appeal on this basis.

Main Issue

4. The main issue is the effect of the advertisement on the amenity of the area, including the character and appearance of the Mayfair Conservation Area (MCA).

Reasons

5. The appeal site comprises a restaurant premises on the ground floor of an attractive town house building that includes a light stone or blockwork front elevation, ornate ironwork balconies at first floor level and sash windows

- reducing in scale upwards. It lies within the MCA where there is a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA) to pay special attention to the desirability of preserving or enhancing its character or appearance.
6. This part of the MCA is characterised and derives its significance from streets comprising a variety of mostly historic terraced buildings built in materials such as brickwork, stucco or block stone incorporating decorative frontages often with ground floor commercial uses. These display a variety of both historic and modern shop fronts and associated advertisements, including several flags, fascia, and wall advertisements. Albemarle Street is characterised by and derives its significance from the variety of well-preserved terraced buildings that include sash windows, some ironwork balconies and some retaining an open basement storey enclosed by railings at street level. The appeal site is one such property, which makes a positive contribution to the character and appearance of this part of the MCA.
 7. While their frequency may be more limited than in other surrounding streets, the railings in Albemarle Street are a visible component of the street scene set along a similar alignment on the pavement. Of those I saw at my visit, aside of the appeal site menu board, railings in the street included a variety of signage fixed onto and above them. This included smaller information notices, opening hours and menu boards fixed over the railings. Therefore, modest signage forms part of the street scene in Albemarle Street and part of neighbouring Dover Street. It is understood that prior to a fire a similar menu board was present at the appeal site for a number of years.
 8. I note the value of railings set out in the Railings in Westminster Supplementary Planning Guidance (1997), policies to limit signage on them, and their contribution to the appeal site and its surrounds. Given its modest scale and position this single advertisement maintains the prominence, appearance, and function of the railing.
 9. While the Council's Advertisement Design Guidelines Supplementary Planning Guidance (1992) states railing signage should normally be avoided, the wording suggests some flexibility in its application. This single simple vertically aligned menu board is complementary to the style and appearance of these particular simply styled railings. Its scale, appearance, position, luminance, and design are sensitive, relates well to, and complements the shopfront, and is in keeping with the character, appearance, amenity, and significance of the overall host building.
 10. Being directly aligned with the railings it is not prominent in the street scene beyond the immediate vicinity of the appeal site. Given the frequency of railings signage, and its limited size, luminance and position, this advertisement is in keeping with and preserves the character, appearance, and significance of the MCA, and it is not harmful to the amenity of the area.
 11. For the reasons set out above the advertisement is not harmful to and is in keeping with the amenity of the area. I have taken into account Policies 38, 39 and 43 of the CP. These are of relevance insofar as they seek to protect amenity and ensure a high quality of design that positively contributes to amenity, seek to preserve or enhance the character or appearance of the MCA, and set out considerations against which advertisements shall be assessed. I

do not find a conflict with the design or heritage policies of the National Planning Policy Framework (2019).

12. I have been provided with a copy of the Mayfair Neighbourhood Plan (2018 – 2038). While not referred to in the reason for refusal and in the absence of a specific reference from the Council, given my findings above, I do not find conflict with its policies and guidance, including MR5: Shopfronts and MD: Design, and their supporting text.

Other Matters

13. The appellant has drawn my attention to No 41 Albemarle Street which is a Grade II listed building to the north of the appeal site, although the Council has not raised concerns. Special regard should be given to the desirability of preserving the setting of Listed Buildings under section 66(1) of the LBCAA. Its special architectural and historic significance derives from its geometry and contrasting colours and materials, and the street scene forms part of its setting. While there is some intervisibility the small size and position does not impinge upon the ability to appreciate its architectural value. Therefore, there is no harm to its setting and this advertisement preserves its significance.

Conditions

14. I have imposed the five standard conditions set out in Schedule 2 of the 2007 Regulations. To preserve the character and appearance of the MCA I have imposed a condition that limits luminance.

Conclusion

15. For the reasons set out above the appeal is allowed.

Dan Szymanski

INSPECTOR