
Appeal Decision

Site visit made on 9 June 2021

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 7th July 2021

Appeal Ref: APP/X5990/Z/20/3265354

The Row, 15 Carlos Place, London W1K 2EY

- 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 Ms Michaela Denis, The Row against the decision of City of Westminster Council.
 - The application Ref 20/05966/ADV, dated 14 September 2020, was refused by notice dated 23 November 2020.
 - The advertisement proposed is a flag installation on the front of the building with company logo.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the Council made its decision and the appeal was made, Westminster's City Plan 2019 2040 (City Plan) has been adopted, superseding the policies cited in the Council's reason for refusal. I have taken the provisions of the development plan including the City Plan, so far as they are material, into account in determining the appeal.
3. The Council's decision notice erroneously referred to the host building as being a listed building. They have subsequently confirmed that it is not, and I have determined the appeal on that basis.

Main Issue

4. The main issue raised by this appeal is the effect the proposed advertisement would have on visual amenity, having regard to its location within the Mayfair Conservation Area.

Reasons

5. The appeal building is an imposing brick and stone structure with a formal, elegant, Neo-Georgian appearance with no conspicuous external commercial signage. Even though it is not listed, the exterior of the building possesses architectural integrity and interest. These characteristics make a positive contribution to the Mayfair Conservation Area (CA) and the visual amenity of the area. The CA covers an expansive area and derives considerable significance from its mainly orderly townscape pattern of streets and squares lined by largely substantial buildings of varied age and architecture. Together

- these create an elegant and formal character and appearance of considerable significance.
6. The proposed flag would be situated on a pole affixed on a porch and protruding at an angle. Although modest in scale compared to that of the host building it would introduce a discordant, projecting element in contrast to the largely unadorned and restrained architecture of the property. This would be as a result of both the pole and the flag itself, irrespective of whether the dark or light colour scheme proposed were chosen. Furthermore, it would create a jutting feature within the street scene which would erode the townscape quality of this part of the CA, and would be at odds with the locality's characteristics including its important features of historic, architectural and cultural interest.
 7. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA. I have taken account of the relevant factor that the National Planning Policy Framework points out that the quality and character of places can suffer when advertisements are poorly sited and designed. In doing so the proposal would harm the visual amenity of the area.
 8. I have taken into account Policies 39, 40 and 43 of the City Plan which, amongst other criteria, seek to ensure that signs and advertisements make a positive contribution to amenity by being sensitively designed in terms of their size, location and their impact on the building on which they are displayed, as well as protecting Westminster's heritage, townscape and architecture. Consequently, they are material in this case. Given I have concluded that the proposal would harm amenity, the proposal would conflict with these policies.
 9. I have also taken into account Policy MD2 of the 2019 Mayfair Neighbourhood Plan 2018-2038, requiring all proposals to consider their impact on the CA. It is material but the wording of this Policy means that the proposal would not conflict with its terms, albeit that an avoidance of conflict is a neutral consideration in this instance.
 10. I have also taken account of the Council's Design Guides¹ which point out that flagpoles may not always be appropriate in sensitive parts of conservation areas. The Advertisement Guidelines note that the principle concern when considering flags and banners in such locations will be to safeguard the character and appearance of the area and individual buildings.
 11. In support of their appeal the appellant has drawn my attention to a number of other buildings nearby in the CA which display flags. An adjacent hotel displays flags above its entrance. The area is therefore not devoid of flags and the appeal proposal would be seen within their context in some views. However, I have no information before me about their age, lawfulness or policy and guidance in force when or if they were considered. I also note that the approach in the former UDP² which was replaced by the City Plan, allowed for an exception to its restriction on flag advertisements for large hotels.
 12. I observed the large flags opposite the site at 7 and 8 Carlos Place. However, the Council advise that these do not benefit from the appropriate consent. Whilst the Council have not indicated what action they can, or intend to, take in relation to these, on the basis of the evidence before me their presence does not lead me to consider that the appeal proposal would be any less harmful. In

¹ Advertisement Design Guidelines, 1993 and Shopfronts, Blinds and Signs - A Guide to their Design, 1992.

² City of Westminster Unitary Development Plan, 2007.

any event, neither do flag advertisements appear to have proliferated within the immediate surroundings and the presence of those flags does not create a context in which the harm to amenity caused by the appeal proposal would be avoided.

13. The appellant points out evidence of former fixings to the porch in the location of the proposed flag. However, this is not conclusive that this ever supported a flag in the past nor, even if it did, is there any substantive evidence about when it was in situ or whether it was lawful. In any event I have determined the appeal on its own merits, considering the building as it is now, and these matters do not therefore lead me to consider that the proposal would be acceptable.

Conclusion

14. For the above reasons, the proposed advertisement would harm visual amenity and the appeal is therefore dismissed.

Geoff Underwood

INSPECTOR