
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/20/3265938

8 Stratton Street, London W1J 8LF

- 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 Mark Hyde, National Bank of Egypt against the decision of City of Westminster Council.
 - The application Ref 20/05961/ADV, dated 16 September 2020, was refused by notice dated 3 November 2020.
 - The advertisement proposed is cantilever (hanging) sign and flagpole (for the hoisting of the company flag).
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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. Following the Council's decision, advertisement consent was subsequently granted for the display of essentially the same hanging sign element, albeit in a revised position, which formed a discrete part of this appeal proposal. Both main parties have confirmed that this element is not in contention and I noted that it was in situ when I visited the site. I have not, therefore, considered this component of the scheme any further in my decision.

Main Issue

4. Consequently, the main issue raised by this appeal is the effect the proposed flagpole and flag would have on visual amenity, having regard to the grade II listed status of 8 Stratton Street and its location within the Mayfair Conservation Area.

Reasons

5. 8 Stratton Street dates from 1871-2 and is built in what the listing description identifies as the Free Gothic Revival style. This is evident in its well-ordered façade of brick with finely detailed brick mouldings and stone dressings, along with iron railings and balustrades. Its largely intact frontage, albeit with sensitive alterations to a former carriage archway, contributes to its special

interest. These elements, along with its age and history, make an important contribution to the listed building's significance. Whilst not of the very highest significance, as a listed building it is nevertheless of national importance and also makes a notable contribution to the amenity of the area.

6. Mayfair Conservation Area (CA) covers an extensive area and derives considerable significance from its formal townscape pattern of streets and squares lined by largely substantial buildings of varied age and architecture. This creates an elegant and formal character and appearance. Stratton Street is no exception and the general absence of advertisements and signage above ground floor level, including flags, contributes to the CA's architectural and historic character and appearance, enabling the architectural integrity of its buildings to be experienced and appreciated.
7. At second and third floor level, below the diaper work above, the simple and solid brick faces of the front elevation contrast with the more delicate window openings and associated decorative work. It would be against one of these panels of plain brickwork that the flag pole, projecting diagonally from the front elevation, would be set. However, the pole and flag would appear at odds with the domestic character and finely detailed frontage of No 8 as a result of its appearance, projection, situation and size.
8. Furthermore, the proposed size of the flag and angle at which it would project would render the arrangement a prominent and discordant element, in harmful contrast to the composition of the front elevation. Although the loss of any historic fabric by way of the fixing to brickwork would be likely to be minor, this in itself would not diminish the harm that the advertisement would cause to the listed building's special architectural character and appearance. It would introduce an element of visual clutter to the street scene which is largely devoid of such advertisements, being particularly prominent in views along the street in both directions for some distance.
9. The advertisement would not be in scale or keeping with the locality's characteristics including its important features of historic, architectural and cultural interest. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA. In doing so, and taking into 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, the advertisement would harm the visual amenity of the area.
10. 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.
11. Policy DES8 of the former UDP¹, cited in the reason for refusal, stated that consent would not normally be granted for advertisements on listed buildings or for permanent flag advertisements, amongst other situations, with some

¹ City of Westminster Unitary Development Plan, 2007.

exceptions highlighted in the supporting text. This Policy no longer has any weight.

12. Section G of City Plan Policy 43 now in force does not list unacceptable signs or locations. Rather, it seeks them to have a positive contribution to amenity subject to a series of requirements. The Council's position that the proposal is unacceptable in principle is no longer supported by the wording of the development plan. Nevertheless, as set out above, in this case the proposal would harm visual amenity and not accord with the requirements of City Plan Policy 43.
13. Furthermore, supporting paragraph 43.16 recognises the significant impacts advertisements can have on the quality and appearance of the street scene and upon the building on which they are displayed. It goes on to point out that they can damage the appearance of the streetscape and the architectural integrity of the built environment; circumstances I have found in this case.
14. I have also taken account of the Council's Design Guides² which point out that flagpoles may not always be appropriate in sensitive parts of conservation areas or on listed buildings. The Advertisement Guidelines point out that the principle concern when considering such advertisements will be to safeguard the character and appearance of the area and individual buildings in such locations. Although there is recognition that flags are a traditional and colourful feature on public buildings and foreign diplomatic premises, I am not swayed by the appellant's suggestion that a national bank is akin to an embassy or a cultural institution. The building's use does not, therefore, mean the proposal would accord with the guidance.
15. The appeal site also incorporates the new build 9 Stratton Street next door, which has no ground floor entrance of its own. However, the façades of the two buildings are distinct and clearly read as complementary but separate elements in the street scene. This configuration does not alter the residential character of No 8 which remains intact and legible in its façade. Similarly, this arrangement does not create a setting where the harmful effects of the proposal would be diminished. Whilst No 9 has an oriel window projecting at first and second floor level this would have a very limited effect on the prominence and visibility of the flag and pole from along the street.

Other matters

16. In support of their appeal the appellant has drawn my attention to a number of other buildings in the CA, both nearby and farther afield, which display flags. In particular, 15 Stratton Street on the same side of the road as the appeal property displays a flagpole at second floor level. However, as the appellant points out, this appears to have been in situ since at least the early 1970's before that building was listed and is the only sizable flagpole evident on front elevations in this part of Stratton Street (I noted a much smaller pole on a building at the Green Park end of the street).
17. The Mayfair Hotel, although on Stratton Street, is actually situated on that part of the street which is it at a right-angle dogleg to the part where No 8 is located. It cannot be seen in the same townscape views as the appeal

² Advertisement Design Guidelines, 1993 and Shopfronts, Blinds and Signs - A Guide to their Design, 1992

building. I also note that the former UDP made exceptions to its general avoidance of flag advertisements for those on large hotels.

18. Flags on the various embassies referred to would in all likelihood accord with the exception in the Council's guidance. Even though there are other commercial properties, included listed buildings, farther afield within the CA which display flags, as with those nearer the site, I have no information before me as to their age, lawfulness, nor the policy and guidance in force when (and if) they were considered.
19. Furthermore, from my observations such properties are not so numerous as to create a character or context within the CA against which the appeal proposal would appear less harmful or intrusive. In any event I have determined the appeal on its own merits.

Conclusion

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

Geoff Underwood

INSPECTOR