

Appeal Decisions

Site visit made on 27 July 2021 by Max Webb BA (Hons)

Decisions by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Date of decisions: 11 August 2021

Appeal A - Ref: APP/X5990/Z/21/3274078

Regency House, 1-4 Warwick Street, SOHO, Westminster, London W1B 5LT

- 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 Giovanni Leuzzo, Blow Up Media UK Ltd against the decision of the City of Westminster Council.
 - The application Ref 21/01106/ADV, dated 23 February 2021, was refused by notice dated 29 April 2021.
 - The advertisement proposed temporary decorative scaffold shroud wrap during building works comprising a 1:1 image of the building facade with an inset advertising and information area measuring 7m high x 14.9 metres wide.
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Appeal B - Ref: APP/X5990/Z/21/3275540

Regency House, 1-4 Warwick Street, SOHO, London W1B 5LT

- 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 Giovanni Leuzzo, Blow Up Media UK Ltd against the decision of the City of Westminster Council.
 - The application Ref 21/02865/ADV, dated 30 April 2021, was refused by notice dated 21 May 2021.
 - The advertisement proposed is temporary decorative scaffold shroud advertisement comprising a 1:1 image of the building facade with an inset information and advertising area measuring 9m x 6m during building works.
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Decisions

1. Both Appeal A and Appeal B are dismissed.

Appeal Procedure

2. 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 appeals.

Procedural Matters

3. There are two appeals on this site that differ only in the size of the advertisement proposed. Each proposal has been considered on its individual merits. However, to avoid duplication, they have been dealt with in a single decision letter.
4. Since the original planning applications, an updated version of the National Planning Policy Framework (the Framework) has been released. In so far as it relates to this appeal, there have been no substantial changes to the Framework, besides paragraph numbers. Both the Council and the appellant have been able to take the relevant parts of the Framework into consideration.

Main Issue

5. For both appeals, the main issue is the effect of the advertisement on the visual amenity of the area.

Reasons

6. The appeal site is an unlisted building of merit, situated on a corner plot, located at an entrance to the SOHO Conservation Area (SCA). The SCA has a commercial feel, with a variety of shops and advertisements at ground floor level, however above this there is limited large scale commercial activity. Bordering this is the Regent Street Conservation Area (RSCA). The appeal site is also located in the setting of several listed buildings, including 106-130 Regent Street, 52-100 Regent Street and 9, 19, 27 and 29 Glasshouse Street. The SCA, RSCA and nearby listed buildings all derive their significance in part from their relatively consistent scale and generally consistent approach to advertisements with upper floors largely free from such intervention. This is the case with the appeal site and so it contributes positively to the SCA as well as the setting of both the RSCA and the nearby listed buildings.
7. The proposals in both Appeal A and B seek to install a replica of the building façade on a scaffold shroud with an advertising area. Whilst the replica building façade would be acceptable, the proposed advertising area in both Appeal A and B would be located at first and second floor level. It would therefore be higher than other advertisements in the area. Despite the proposed advertising area in Appeal B being smaller than that in Appeal A, they would both appear large, particularly when compared to other advertisements in the vicinity. The proposed advertisement areas would cover a large part of the two floors above ground floor level and would thus appear incongruous with the surrounding area.
8. The proposed advertisement area, for both schemes, would be sited on a relatively visible plot, located at an entrance to the SCA. It would also be visible from the neighbouring RSCA and several nearby listed buildings. The advertisement area would appear obtrusive and, even though only for a temporary period, it would detract from the visual amenity of the SCA and the unlisted building of merit on which it would be located. It would also negatively affect the setting of the RSCA as well as the setting of the nearby listed buildings.
9. Whilst replication of the building façade would help disguise the scaffolding and add visual interest, the large advertisement areas would appear incongruous at high level. They would stand out from the consistent appearance of the neighbouring properties, whereas scaffolding and other building works are a frequently occurring sight, and so would not appear as prominent. Having a replication of the building façade would be a benefit and there may be a need for advertising to fund this. However, the size and positioning of the proposed advertisement areas limit this benefit, and it would therefore not outweigh the harm to the visual amenity of the area.
10. The appellant refers to a shroud advertisement at Holland Park Avenue, however this example is in a different context and therefore cannot be compared to the proposals. The appellant references National Planning Practice

Guidance¹ and an appeal decision in Westminster, both of which suggest that buildings undergoing works may be suitable for shroud advertisements. That appeal also points out that their impact upon nearby valued landscapes and buildings should not be overwhelming. For the reasons discussed above, the proposed advertisement areas would negatively impact upon the visual amenity of the surrounding area, including heritage assets. In any case, appeals should be considered on their individual merits.

11. Illumination of the proposals through overhead lighting would further highlight the presence of the advertisement area. The appellant suggests this is optional and could either have a condition ensuring the lighting is timer controlled or have the overhead lighting omitted altogether. However, this would not diminish the overall harm from the advertisement area to the visual amenity of the surrounding area.
12. Regard has been given to the City Plan 2019-2040 (adopted April 2021) Policies 39 and 43, which together aim to ensure a clutter-free public realm that protects the character of an area, with particular regard to ensuring advertisements do not detract from any heritage asset. Given that I have found, for the above reasons, that the proposals would harm visual amenity, they would thus conflict with these policies. Policy 38 of the City Plan has been referred to for Appeal B only. This seeks to protect the character of the existing area, adjacent buildings and heritage assets. As there would be harm to visual amenity, there would also be conflict with this Policy.

Other Matters

13. The suggestion that advertising can help boost the economy post Covid-19 has been considered, however as these proposals relate to a single site, this benefit would be limited and would not outweigh the harm found to visual amenity.

Recommendation

14. For the reasons given above, I recommend that both appeals are dismissed.

Max Webb

APPEAL PLANNING OFFICER

Inspector's Decisions

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, both Appeal A and Appeal B are dismissed.

K Taylor

INSPECTOR

¹ Reference ID: 18b-005-20140306