

Appeal Decision

Site visit made on 10 August 2021 by Ms S Maur

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2021

Appeal Ref: APP/X5990/Z/21/3275181

Site Address: 272-274 Oxford Street London W1C 1DR

- 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 Premier Vue against the decision of City of Westminster Council.
 - The application Ref 21/00321/ADV, dated 19 January 2021, was refused by notice dated 21 April 2021.
 - The advertisement proposed is the installation of an integrated LED screen.
-

Decision

1. The appeal is 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 appeal.

Procedural Matter

3. There is some variation in the description of the advertisement in the submitted documents, the description set out in the banner heading above adequately describes the proposal.

Main Issue

4. The Council raised no concerns in respect of public safety, I have no reason to disagree. Therefore, the main issue is the effect of the advertisement on the amenity of the area.

Reasons

5. The appeal site is located on a corner location on Oxford Street which is commercial in character and, during the visit, I noted there was a high footfall. Shops and other businesses are primarily located at ground floor level and signage related to these are common. However, this is principally located at ground floor level immediately above the entrances to the businesses and directly relate to the individual business itself. Although there are some examples of advertisements above ground floor level, these are limited in number and scale. The limited large-scale advertising above ground floor level is integral to the character of the area surrounding the appeal site.
6. The proposal is for an LED advertising panel which would be integrated into the fabric of the building and located on the corner splay of the parapet. The display would be relatively large and prominently sited on the building.

Although not at a particularly high level, it would nevertheless sit at a height above the advertisements in the vicinity of the site. This positioning, when taken together with the size of the advertisement would be out of keeping with the character of advertising in the local area. It would result in harm to the character of the building and thus to amenity. The integrated nature of the sign would not minimise the overall impact of the advertisement, which would primarily result from its size and positioning.

7. The site sits close to, but not within Harley Street, Regent Street and Mayfair Conservation Areas. There would only be limited and long views from the Harley Street Conservation Area, but the advertisement would be readily visible from a small section of the Mayfair Conservation Area. Although the effect on the setting of these conservation areas would be relatively limited, this would not minimise the harmful effect of the advertisement when seen in the context of the appeal site. Conditions could be put in place to ensure the advertisement is switched off overnight and control other issues relating to transition and illumination of images. While this would alleviate some of the impact, it would not sufficiently mitigate the harmful effect of the advertisement.
8. For the reasons given above, the advertisement would result in harm to the amenity of the area. Although not decisive, because there would be harm to the amenity of the area there would be conflict with Policies DES 1, DES 8, and DES 9 of the City of West Minster Unitary Development Plan (adopted 24 January 2007), Policies 38, 39 and 43 of the City of Westminster City Plan 2019-2040 (adopted April 2021), and Policies S25 and S28 of Westminster's City Plan (adopted 2016). Together these Policies seek to ensure development is well designed and in keeping with the character of the area and takes account of the setting of heritage assets. Policy DES 8 specifically requires that advertisements are designed sensitively and do not lead to visual clutter.
9. There would also be conflict with the National Planning Policy Framework, which requires that advertisements should be controlled in the interest of amenity. As the advertisement would adversely affect the visual amenity of the area, it would be contrary to the relevant advice in the Planning Practice Guidance.

Other Matters

10. The advertisement would result in economic benefits which could aid with economic recovery relating to the Covid-19 pandemic. It's been suggested that the advertisement could display information associated with the London College of Fashion and advertise nearby businesses and tourist attractions. These matters would result in benefits; however, these would be limited in nature and therefore I would only attach limited weight to them, and they would not outweigh the harm identified above.
11. Some concerns have been raised in respect of the application process and related correspondence; however, these matters are not fundamental to the planning merits of this appeal.

Recommendation

12. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Ms S Maur

Appeal Planning Officer

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR