
Appeal Decision

Site visit made on 23 June 2021

by A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC

an Inspector appointed by the Secretary of State

Decision date: 01 September 2021

Appeal Ref: APP/X5990/G/21/3271552

68 Queensway, London W2 3RL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a Discontinuance Notice relating to the use of a site for the display of advertisements with deemed consent.
 - The appeal is made by Mr Asad Shaidy against discontinuance action by City of Westminster Council.
 - The Council reference is 12/49498/F. The Discontinuance Notice is dated 18 January 2021.
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Decision

1. The appeal is allowed and the Discontinuance Notice quashed.

Main Issue

2. The main issue is whether the continued use of the site for the display of advertisements would cause substantial injury to amenity.

Reasons

3. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration. I have also taken account of the London Plan (March 2021) which supersedes the London Plan 2016 and the revised National Planning Policy Framework July 2021 (the Framework). However, powers under the Regulations to control advertisements may only be exercised in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal the Council's policies have not therefore, by themselves, been decisive. The site lies within the Queensway Conservation Area and I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in my decision.
4. The appeal property is a four storey mid-terrace building on the eastern side of Queensway. The ground floor is in restaurant use with offices at the upper floors. The building is situated in the Queensway Conservation Area which includes several relatively unaltered buildings of particular architectural interest including mansion blocks and terraces of various ages which provide an attractive and coherent townscape at upper floor levels, in particular.
5. Queensway is a very busy and vibrant commercial area with a great deal of activity at street level which is reflected in the variety of mainly commercial ground floor frontages which have different types of advertisements, including illuminated and non-illuminated fascia signs and projecting signs. There are

also forward projecting canopies on a number of commercial frontages in the locality and land immediately in front of some commercial properties is used for outdoor seating, displaying a range of advertisements and displaying goods. Overall, the street is visually cluttered at ground floor level and although there are some remaining original shopfronts, there is a lack of cohesion in the design of property frontages and advertisements.

6. At the time the Discontinuance Notice was issued there were four advertisements positioned on painted metal railings to the front of the property positioned perpendicular to the commercial frontage. On my site visit I saw that two of the advertisements had been removed, but two remain in situ. However, because the Notice relates to four advertisements, that is the basis on which I have determined the current appeal. The remaining advertisements are fixed to painted railings which project approximately 1.2 metres from the building's frontage. As a consequence of their relatively small size, their simple non-illuminated design and the existing visual clutter and bustling ground floor activity along the street the advertisements in question are lost in their immediate visual context and are not visually prominent or intrusive. In my judgement, this would have been the case at the time the notice was served, when four advertisements were in place.
7. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon the decision-maker, in considering applications, including appeals against the issue of a discontinuance notice, to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. There is a clear presumption in this duty that preservation is desirable, but in this case, I find that the special interest of the Conservation Area is not diminished by the advertisements. Therefore, its character and appearance of the Conservation Area is preserved. The Framework also states that when considering the effect on the significance of a designated heritage assets, great weight should be given to the asset's conservation, but in this particular case there is very little impact on the character and appearance of the Conservation Area.
8. Taking the above into account I do not consider that the continued use of the appeal site for the display of advertisements causes substantial injury to amenity, and I shall therefore quash the notice.

A A Phillips

INSPECTOR