



Appeal Decision

Site visit made on 10 August 2021 by M Long

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2021

Appeal Ref: APP/K5600/Z/21/3274107

165-181 Kensington High Street, Kensington, London W8 6SH

- 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 Royal Borough of Kensington and Chelsea.
 - The application Ref CA/21/01382, dated 3 March 2021, was refused by notice dated 29 April 2021.
 - The advertisement proposed is a temporary decorative scaffold shroud screen advertisement comprising a 1:1 image of the building façade with an insert advertising and information area measuring 18m x 7m.
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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 Matters

3. The amended scheme is materially different to the original submission and this change was not accepted for consideration by the Council. It cannot be certain that those who should have been consulted would not have wished to make comments. In these circumstances parties could be prejudiced if the change was taken into account at this appeal stage. Therefore, I have considered the appeal based on the originally submitted plans only.
4. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (Framework). In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework and I am satisfied that no party would be disadvantaged by my reference to the revised Framework.
5. The Regulations, Framework and the Planning Practice Guidance (PPG) make it clear that advertisements should be subject to control only in the interests of public safety and amenity. I have had regard to the policies referred to in the Council's decision notice. However, having regard to the above, these policies have not been decisive in my consideration of this appeal.

Main Issue

6. The Council has concluded that the advertisement would be acceptable in terms of public safety and I have no reason to disagree. Therefore, the main issue is the effect of the proposed advertisement on the visual amenity of the area.

Reasons for the Recommendation

7. The appeal site is located along the busy commercial area of Kensington High Street and relates to scaffolding associated with building works that was observed during the site visit. The appeal site is situated within the Edwardes Square/Scarsdale and Abingdon Conservation Area. In the surrounding vicinity of the appeal site, the Conservation Area largely derives its significance from its attractive medium scale historic buildings with predominantly commercial ground floors. The wider high street has a large number of advertisements which are mostly in the form of shop frontages and fascia signs that are contained to ground floor level.
8. Whilst amenity is not defined exhaustively within the Regulations, it does indicate that relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. The PPG states that in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has importance scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.
9. The proposal is a temporary decorative shroud that would be wrapped around the scaffolding that is erected at the site. The shroud wrap would display a 1:1 image of the building façade behind and contain a large, central advertising and information area insert that would be illuminated by overhead lights. The proposal would be most visible to vehicles and pedestrians passing along the Kensington High Street and to those approaching from Argyll Road.
10. Due to its significant height and scale, the proposed insert advertisement would be an overwhelming addition on the buildings that it would be located and in the streetscene. It would be out of keeping with the predominant form of advertisements within the locality occupying a significant height, close to the roof line of the building behind, and of a size that would be larger than a typical shop front below. Despite the busy commercial context, the proposal would dominate the streetscene and appear out of keeping with the predominant character of advertisements in this area. As a consequence it would result in harm to the visual amenity of the area.
11. While the 1:1 image would screen scaffolding materials, the overall design of the advertisement insert would be to attract the attention of those passing. In comparison, typical scaffolding materials are not an unusual temporary feature in a busy commercial area and so would appear less conspicuous. As such, the alleged benefits of the 1:1 display image would not outweigh the significant harm identified against the visual amenity of the area arising from the proposed insert's prominence, large scale and height. Furthermore, the temporary nature of the proposed advertisement would not negate the harm identified against its installation at this location.

12. My attention has been directed to two appeal cases where shroud advertisements were granted consent in close proximity to the appeal site. Although the proposed advertisement insert would occupy a smaller proportion of the overall shroud wrap, the sizes of the advertisements in these other appeals are significantly smaller and therefore are not directly comparable. The appellant has also submitted a photograph of a shroud advertisement at Holland Park Avenue, which has some similarities to the appeal scheme. However, the full details of this advertisement are not before me and, in any event, each appeal case must be determined on its own individual planning merits.
13. An extract from another appeal decision has been provided where a Planning Inspector found a shroud advertisement to be acceptable, in part because such advertisements have become typical of busy streetscenes. However, the wording of this clearly demonstrates that each case must be considered individually, and for example, such advertisements would only be acceptable where they were not overwhelming to buildings, which is not the case in respect of the advertisement before me.
14. The appellant has expressed a willingness to omit the overhead lights from the proposal in order to reduce its prominence during the evening and at night. However, this measure would not be sufficient to mitigate the harm identified.
15. The alleged economic benefits of the proposal are noted; however, the Regulations make it clear that applications for advertisement consent should be subject to control only in the interests of amenity and public safety. As such these matters do not weigh in favour of the proposal.
16. Given the above, I conclude that the proposed advertisement would result in unacceptable harm to the visual amenity of the area. It would therefore conflict with The Royal Borough of Kensington and Chelsea Local Plan, adopted September 2019, specifically Policy CL3 which seeks to ensure development preserves or enhances the character or appearance of conservation areas and Policy CL11 which seeks to resist development that detracts from local views. There would also be conflict with Policy CR4 which seeks to resist advertisements that by reason of their size, siting or design would harm local amenity.

Conclusion and Recommendation

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

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal I agree that the appeal should be dismissed.

RC Kirby

INSPECTOR