
Appeal Decision

Site visit made on 15 September 2021

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

an Inspector appointed by the Secretary of State

Decision date: 08 October 2021

Appeal Ref: APP/X5990/G/20/3264390

South Molton Street elevation of 28 South Molton Street, London W1K 5RE

- 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 Caffè Concerto Ltd against discontinuance action by City of Westminster Council.
 - The Council reference is 18/68157/E. The Discontinuance Notice is dated 2 October 2020.
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Decision

1. The appeal is dismissed. I direct that the Discontinuance Notice (DN) shall come back into effect immediately and that the use of the site for the display of advertisements with deemed consent cease by the end of 28 days from the date of this decision.

Preliminary Matter

2. At my site visit I observed that the advertisements the subject of the current appeal have been removed from the building as the business in question has moved premises. Nonetheless I have determined the current appeal on its merits.

Main Issue

3. The main issue is whether the continued use of the site for the display of an advertisement would cause substantial injury to amenity.

Reasons

4. 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. 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 Mayfair Conservation Area and I have taken into account the desirability of preserving or enhancing the character or appearance of the Conservation Area in my decision.
5. The appeal site comprises a property situated within a modern end of terrace six storey building which is situated at the northern end of South Molton Street adjacent to the junction with Davies Street and immediately to the south of

Oxford Circus. At the time the DN was served it is my understanding that it was occupied by a patisserie/restaurant business and the upper floors of the building were a mix of retail, office and restaurants.

6. The site displays modern glazed shopfronts at ground floor level on South Molton Street and the upper floors have modern full floor height windows with terracotta coloured cladding. Many adjacent buildings and in particular the adjoining buildings within the terrace and those opposite along South Molton Street are of traditional architectural styles and construction and these include a number of listed buildings. There are other contrasting modern buildings in the vicinity including a large modern six storey building on Davies Street which is a shopping centre and Bond Street Underground Station.
7. At my site visit I observed that the significance of the Mayfair Conservation Area is shown by the large number of surviving buildings of high design and architectural quality within a relatively tight urban form, interspersed with pockets of formal landscaped squares. Its character is mainly high quality residential alongside other uses and activities including retail, offices, restaurants and national embassies.
8. The awnings with advertisements covered the entire width of the appeal site frontage and extended more than 3 metres over the public highway. Consequently, they were very much at odds with other shop frontages in the locality which either have no awnings or relatively small, modest awning displays that do not extend significantly above the public highway.
9. It also appears that the awnings were of such a size that they required a number of free-standing supports on the highway, adding clutter to the public highway and the street scene generally. The advertisements were highly incongruous within the local street scene and highly prominent, visually obtrusive features within their setting. Given their location I can see that they were very much at odds with the high quality shopping and commercial area which attracts many visitors. The awnings undermined that quality and the ability of people to understand, appreciate and experience the high quality historic and architectural setting.
10. Although the display may have been there for many years, what may have been acceptable in the past may not be acceptable today. The injury to amenity caused has been exacerbated by the high quality developments that have taken place in recent years which have enhanced the site's surroundings.
11. My attention has been drawn to other advertisements in the area, but they do not draw direct parallels to the appeal before me since they are not of the same scale and projection of the awnings the subject of this appeal. In any case I have determined the current appeal on its own merits.
12. In my view the character and appearance of the Mayfair Conservation Area is harmed and the advertisement does cause substantial injury to the amenity of the area. Therefore, taking all of the evidence into account the continued use of the site for the display of an advertisement causes substantial injury to amenity and I shall dismiss the appeal and uphold the notice. I have considered the appellant's comments regarding timescale for compliance with the requirements of the DN but given the degree of harm I have identified the timescale specified in the DN is appropriate. As I have previously stated in this

decision, the advertisements the subject of this appeal have already been removed.

AA Phillips

INSPECTOR