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# Appeal Decision

Site Visit made on 27 October 2021

**by Jillian Rann BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 NOVEMBER 2021**

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**Appeal Ref: APP/X5990/Z/21/3271884**

**Site B Bus Shelter on the Pavement outside No 400 Oxford Street, London**

- 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 Martin Stephens (JCDecaux) against the decision of City of Westminster Council.
  - The application Ref 21/01269/ADV, dated 2 March 2021, was refused by notice dated 17 March 2021.
  - The advertisement proposed is use of a defined area of the roof and glazed side panels of an existing bus shelter for special advertising purposes for up to 90 days in any 12-month period.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. In the banner heading above I have taken the site address from the appeal form, as it more precisely and accurately identifies the location of the site than the address given on the application form.
3. In addition to this appeal, the appellant has made 3 further, separate appeals against the Council's refusals of consent for similar proposals on 3 other bus shelters close to this site<sup>1</sup>. Those appeals are the subject of separate decisions.
4. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. Insofar as it relates to advertisements, the guidance in paragraph 136 of the revised Framework is the same as that in paragraph 132 of the previous version. Therefore, I have not needed to invite any further submissions on this matter. My decision is based on the revised Framework.
5. The Framework states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. I have considered the appeal accordingly. I have taken into account the provisions of the development plan, insofar as they are material, and other relevant factors including other guidance brought to my attention.
6. Since the application was refused, the Council has adopted the City of Westminster City Plan 2019-2040 (the 2021 City Plan), in April 2021. The Council has provided copies of relevant policies from the 2021 City Plan with its questionnaire. I have had regard to the 2021 City Plan in my decision, insofar as it is material, and have given the main parties the opportunity to comment on this.

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<sup>1</sup> Appeal references: APP/X5990/Z/21/3271882, APP/X5990/Z/21/3271887 and APP/X5990/Z/21/3271890

## **Main Issue**

7. The Council has not raised any concerns regarding the effect of the proposed advertisements on public safety. From the evidence before me, I have no reason to conclude otherwise. Accordingly, the main issue is the effect of the proposals on the amenity of the appeal site and its surroundings.

## **Reasons**

8. The appeal relates to a bus shelter on the northern side of Oxford Street. It is located in front of Selfridges department store, 400 Oxford Street, which is a grade II\* listed building. The site is within Stratford Place Conservation Area (SPCA) and close to the boundary with Mayfair Conservation Area (MCA), on the opposite side of Oxford Street.
9. As part of one of London's most well-known retail areas, Oxford Street in the vicinity of the site is a wide, bustling street, characterised by large, imposing commercial buildings on either side.
10. The grade II\* listed building, Selfridges, was built between 1906 and 1928. Its Oxford Street façade was the largest shop front in Britain at the time of its original construction. Because of its substantial scale, it is an imposing building and has a significant presence on Oxford Street. Its distinctive, elegant architectural detailing, including its large ground floor display windows, make a significant positive contribution to the character and appearance of Oxford Street's vibrant commercial street scene. The site, immediately outside Selfridges, is within the listed building's setting, which includes surrounding commercial frontages on Oxford Street and other nearby streets.
11. The southern side of Oxford Street, opposite the site, is also characterised by tall buildings with commercial uses on their lower floors. Those buildings are more varied in their age and detailing compared to the large Selfridges store frontage opposite. However, they are also elegantly detailed, with large window displays on their lower floors. Some of those windows contain digital screens with moving images. However, where such displays exist, they are seen in the context of the window displays within the buildings themselves or, in the case of the large digital screens in the Adidas store close to the site, they have been sensitively incorporated into the architecture of the buildings. As a result, those advertisements draw the eye and contribute to the vibrancy of Oxford Street's busy commercial frontage, but they do not dominate, overwhelm, or detract from the fine architecture of the attractive buildings which characterise and define this section of Oxford Street, or the wider street scene.
12. Both the SPCA and the MCA extend away from Oxford Street, and their character and appearance change as they do so. However, insofar as it relates to this appeal, their significance is derived from the busy, vibrant commercial frontages and the distinctive, elegantly designed retail buildings which run alongside and characterise Oxford Street in the vicinity of the site.
13. Street furniture on Oxford Street in the vicinity of the site is relatively limited. The bus shelters, lighting columns, bins and benches which do exist are modest in scale and simply detailed. Those characteristics, and the use of a consistent colour palette based around black and gold, give the street furniture a simple, elegant appearance. As a result, it sits comfortably and unobtrusively in the street scene and does not dominate or distract from the architecture or interest

- of the buildings, their striking facades and their sensitively integrated displays and signage.
14. The bus shelter to which this appeal relates includes double-sided, illuminated, digital advertisement display panels at present, as do some others nearby. However, the level of illumination to those displays is relatively limited, they are incorporated at a low level within the fabric of the bus shelters and are of a scale which does not dominate or overwhelm those structures. Therefore, whilst quite prominently sited in the street scene, those existing bus shelter advertisements do not appear unduly dominant or distract attention from the elegant detailing of Oxford Street's distinctive buildings or the sensitively integrated window displays and advertisements within their frontages.
  15. In contrast, the proposal before me would include the installation of advertisements on top of the bus shelter which could cover almost the full extent of that roof area and extend up to 0.95m above it. Because of their size and elevated position on the bus shelter's roof, the advertisements would appear unduly dominant and out of scale in relation to it, overwhelming its modest scale and simple appearance. Seen in isolation and cumulatively with the application of vinyl advertising panels proposed to the sides of the shelter, the use of its roof for the display of advertisements as proposed would give the bus shelter a cluttered appearance and an uncharacteristic prominence within the street scene and in relation to other street furniture.
  16. As a result of their scale, height and illumination and the overwhelming effect they would have on this modest, simple item of street furniture, the proposed advertisements would appear incongruous, intrusive, and unduly dominant within the street scene. They would visually compete with, and distract attention away from, the elegant architecture and sensitively designed buildings, and their well-integrated window displays and advertisements, which characterise this part of Oxford Street. They would therefore harm the setting of the grade II\* listed building, Selfridges, 400 Oxford Street, the character, and appearance of the SPCA and the adjacent MCA, and the amenity of their wider surroundings.
  17. Advertisements are designed to attract attention, and I have noted references made to demand from advertisers for new forms of display on busy routes in London. Nevertheless, for the reasons given, the advertisements proposed in this case would not enhance the character or vibrancy of the area. They would appear as unduly dominant, intrusive, and insensitive interventions which would not be in scale or keeping with their surroundings, including the nearby listed building, the SPCA and the adjacent MCA.
  18. For these reasons, I conclude that the proposals would harm the amenity of the appeal site and its surroundings. The proposals would therefore conflict with the Framework, which states that the quality and character of places can suffer when advertisements are poorly sited and designed. They would also conflict with Policies 38, 39 and 43 of the 2021 City Plan, which require proposals to positively contribute to Westminster's townscape, preserve heritage assets and their settings and that advertisements are sensitively designed. I have had regard to those development plan policies as further material considerations.

## **Other Matters**

19. Although the proposed advertisements would only be present for temporary periods, and this could be controlled via a suitably worded condition, the harm that would arise as a result of them would be evident and unacceptable even during those limited periods. Therefore, this does not alter my conclusions regarding the harm that I have identified.
20. I recognise that the Covid-19 pandemic has had an impact on visitor numbers to Oxford Street and its stores, and I have had regard to strategies aimed at attracting visitors back to the area, and to the wider aims of the Oxford Street District Framework in terms of planned improvements to the district.
21. Advertising and spectacle are part of the distinctive character of Oxford Street. However, in the vicinity of the site, much of that spectacle and vibrancy comes from the striking architecture of the buildings and their well-integrated, innovative window displays. Indeed, the department store, Selfridges, and its window displays are a destination and attraction in their own right. In that context, and based on the evidence before me, I am not convinced that the introduction of additional bus shelter advertisements would have a demonstrable benefit in terms of attracting more people to Oxford Street or encouraging additional spending in nearby stores, over and above any such benefits which arise from the displays and advertising that those stores have in their own, sizeable, window displays at present. Therefore, the weight I afford this matter is limited and it does not alter my conclusions above or outweigh the harm to amenity that I have identified.
22. The presence of other advertisements and displays, temporary or otherwise, elsewhere in the city does not alter my conclusions regarding the harm which would arise as a result of the specific proposal before me, which I have determined on its own planning merits.

## **Conclusion**

23. For the reasons given, I conclude that the appeal should be dismissed.

*Jillian Rann*  
INSPECTOR