
Appeal Decision

Site visit made on 10 August 2021 by Ms S Maur

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2021

Appeal Ref: APP/X5990/Z/21/3275999

13-14 Maiden Lane London WC2E 7NE

- 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 Gordon Ramsey Restaurants, against the decision of City of Westminster Council.
 - The application Ref 21/02760/ADV, dated 26 April 2021, was refused by notice dated 24 May 2021.
 - The advertisement proposed is illuminated fascia, projecting and menu sign.
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Decision

1. The appeal is dismissed in so far as it relates to the illuminated fascia and projecting signs.
2. The appeal is allowed in so far as it relates to the menu sign and express consent is granted for the display of menu sign at 13-14 Maiden Lane London WC2E 7NE in accordance with the terms of application Ref 21/02760/ADV, dated 26 April 2021. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Appeal Procedure

3. 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

4. The appellant has requested that I consider revisions to the proposal, namely the centralisation of the fascia sign, the relocation of the projecting sign from the left to the right-hand side of the shop front and the relocation of the menu sign. The design of the advertisements are the same as those considered by the Council and I am satisfied that my consideration of them would not prejudice those who should have been consulted of the change. Accordingly, I have assessed the appeal proposal on the basis of these drawings, which the Council has had sight of, and not on the basis of what is displayed on the site.
5. For the avoidance of doubt and to include the menu sign, I have included this in the description of the proposed advertisements in the banner above.

Main Issue

6. The Council has raised no concerns in respect of the proposed advertisements affecting public safety, and on the basis of the evidence before me I have no reason to find differently in this regard. Furthermore, it considers that the menu sign is acceptable. Accordingly, the main issue is the effect of the fascia sign and projecting sign on the visual amenity of the area.

Reasons

7. The Council has drawn my attention to the policies and guidelines it considers to be relevant to this appeal and I have taken them into account as a material consideration where relevant. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework and the Planning Practice Guidance (PPG) reiterate this approach. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
8. The appeal site is commercial and vibrant in character and is located within the Covent Garden Conservation Area. I am therefore mindful of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
9. 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 important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.
10. I noted that there was a high level of footfall during my site visit. Restaurants are primarily located on ground floor level and associated signage is also located on ground floor frontages. Externally illuminated signage is integral to the character of the area surrounding the appeal site and modest projecting signs are demonstrated on the street. The advertisements present are, in the main designed and located sensitively on the buildings respecting their architectural integrity.
11. Although the size of the fascia sign and its location would be sensitive to the shopfront design, the illumination proposed would be stark and alien within this historic context. It would be at odds with the traditional character of the host building and would result in an incongruous form of advertisement within the street scene. The length of the projecting sign, out from the face of the frontage of the building would be substantially longer than other projecting signs within the vicinity and would be a discordant and overly visually prominent form of advertising. The depth of the projecting sign, when seen in combination with its length, would result in harm to the amenity of the building itself and the surrounding area.

12. Although the previous projecting sign on this ground floor frontage was similar in length, the signage demonstrated a different design and therefore is not comparable in this context. The advertisements at No 12 Maiden Lane whilst appearing to be internally illuminated are of a markedly different design to the appeal proposal and are the exception to the otherwise discrete form of advertising in the locality. They do not provide justification for further forms of advertising which would be harmful to the visual amenity of the area.
13. Although the signage can be removed when no longer required, this would not mitigate the harm caused to the amenity of the building and surrounding area, if it was displayed during a period of time. This is therefore neutral in this case.
14. The projecting and fascia sign would support the commercial viability of the area and could aid in competing with other restaurants and with economic recovery relating to the Covid-19 pandemic. However, this could be achieved with an alternative design of advertisement and accordingly this matter does not weigh in favour of the proposal. Moreover, the Regulations make it clear that applications for advertisement consent should be subject to control only in the interests of amenity and public safety.
15. For the reasons detailed above, the fascia and projecting sign would harm the visual amenity of the area and would neither preserve or enhance the character or appearance of the conservation area. Although not determinative, the proposal would not comply with Policies 38, 39 or 43 of the City Plan 2019–2040 (City Plan) which seek to preserve or enhance the character and appearance of Westminster’s Conservations Areas by positively contributing to the town and streetscape, with signage being sensitively designed in terms of their size, location and degree of illumination making a positive contribution to the amenity of the building in which they are displayed, local context and street scene.
16. The menu sign would be small in scale, discretely located and similar to other similar advertisements in the area. It would preserve the character and appearance of the conservation area and would respect the visual amenity of the area. Accordingly, there would be no conflict with City Plan Policies 38, 39 and 43.

Conclusion and Recommendation

17. For the reasons given above and having regard to all other matters raised, I recommend that a split decision is issued dismissing the fascia and projecting signs and allowing the menu sign and granting express consent with the 5 standard conditions which are necessary.

Ms S Maur

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree that the appeal should be dismissed in so far as it relates to the fascia and projecting signs and allowed in so far as it relates to the menu sign.

RC Kirby

INSPECTOR