

Appeal Decision

Site visit made on 1 December 2021 by M Long

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2021

Appeal Ref: APP/X5990/Z/21/3281628

Ground Floor, 31 Moscow Road, London W2 4AH

- 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 Euroterra Capital Enterprises Ltd against the decision of the City of Westminster.
 - The application Ref 21/03651/ADV, dated 2 June 2021, was refused by notice dated 30 June 2021.
 - The advertisements proposed are the replacement of the existing backlit fascia sign on the principal elevation facing Moscow Road; the replacement of the existing backlit fascia sign on the side elevation facing Poplar Place; and the application of new vinyl signage to the opaque window in Poplar Place.
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Decision

1. The appeal is allowed and express consent is granted for the replacement of the existing backlit fascia sign on the principal elevation facing Moscow Road; the replacement of the existing backlit fascia sign on the side elevation facing Poplar Place; and the application of a new vinyl signage to the opaque window in Poplar Place as applied for. 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

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.

Application for Costs

3. An application for costs was made by Euroterra Capital Enterprises Ltd against the City of Westminster. This application is the subject of a separate decision.

Procedural Matters

4. On 20 July 2021 the Government published 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 Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised in the interests of amenity and public safety, taking into

account the provisions of the development plan, so far as they are material; and any other relevant factors.

6. The Planning Practice Guidance (PPG) sets out that in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement, and the local characteristics of the neighbourhood should always be considered. The Framework sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.

Main Issue

7. The Council has concluded that the advertisements 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 advertisements on the visual amenity of the area.

Reasons for the Recommendation

8. The appeal site is located in the Bayswater Conservation Area, where special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area. The appeal site relates to a café that is situated on the corner between Moscow Road, which is characterised by both commercial and residential uses, and Poplar Place, a quiet side street with a low volume of pedestrians and vehicles. The café has existing fascia advertisements on each of its street elevations that are positioned above large windows.
9. On the elevation facing onto Poplar Place, there are two large windows, the closest to the junction with Moscow Road remains clear whereas the further window is opaque due to materials which the appellant has described as being in a poor condition. These two windows would be most visible to those travelling along Poplar Place, and there would be some views to those approaching from the west along Moscow Road. Upon my visit to the site, I observed that the fascia signage had been removed and there were large temporary stickers on the windows indicating that the café was closed.
10. The proposal relates to the replacement of the two internally illuminated fascia signs on each of the street elevations as well as a large vinyl sign that would cover the opaque window facing onto Poplar Place. The Council's substantive concerns relate to the vinyl advertisement and not the illuminated fascia signs, and I see no reason to disagree. The following recommendation will therefore focus on the effect of the vinyl sign on the visual amenity of the area.
11. Due to the existing opaque nature of the appeal window, the proposed vinyl advertisement would not result in any significant change to the café's frontage with Poplar Place, therefore preserving the character and appearance of the area. As a result, the proposal would not result in any additional deadening of the interaction between the building and the street and there would be no subsequent harm to the visual amenity of the area. The Advertisement Design Guidelines Supplementary Planning Guidance states that within conservation areas advertisements will be expected to preserve or enhance the character or appearance of the area, therefore the proposal would not conflict with the overarching aims of this document.

12. Given the above, the proposal would not result in harm to the visual amenity of the area. As such, it would accord with the City Plan 2019-2040, adopted April 2021, specifically Policy 43 which seeks to ensure signs and advertisements are sensitively designed in terms of their impact on the local context, streetscene and wider townscape. It would also accord with Policy 38 which seeks to ensure all development positively contributes to Westminster's townscape and streetscape having regard to the character of the existing area; Policy 39 which seeks to ensure development preserves or enhances the character and appearance of Westminster's conservation areas; and Policy 40 which seeks to ensure development is sensitively designed having regard to the character of the surrounding townscape. There would be no conflict with the National Planning Policy Framework, which seeks to resist proposals where advertisements are poorly sited and designed.

Conditions

13. I recommend the five standard conditions as set out in the Regulations.

Recommendation

14. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

K Taylor

INSPECTOR