
Appeal Decision

Site visit made on 22 March 2022 by Max Webb BA(Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2022

Appeal Ref: APP/X5990/Z/22/3290750

23 Slingsby Place, St Martin's Courtyard, London WC2H 9DL

- 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 Miscusi UK Ltd against the decision of City of Westminster Council.
 - The application Ref 21/07669/ADV, dated 9 November 2021, was refused by notice dated 22 November 2021.
 - The advertisement is display of one internally illuminated fascia sign measuring 0.6m x 2.87m (red with warm white LED lighting), two externally illuminated projecting signs measuring 0.5m x 0.5m (red with warm white LED overhead trough light), and one freestanding external menu board measuring 0.70m x 0.58m.
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Decision

1. The appeal is allowed and express consent is granted for the display of one internally illuminated fascia sign measuring 0.6m x 2.87m (red with warm white LED lighting), two externally illuminated projecting signs measuring 0.5m x 0.5m (red with warm white LED overhead trough light), and one freestanding external menu board measuring 0.70m x 0.58m 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.

Procedural Matters

3. The description of the advertisements used in the banner heading above has been taken from the Council's decision notice, as it provides a more complete description of the proposal than that which is given in the application form.
4. During the site visit I observed that the advertisements had been installed and I have therefore considered this appeal on a retrospective basis.

Main Issue

5. The main issue is the effect of the advertisements on the visual amenity of the area, including the character and appearance of the Covent Garden Conservation Area.

Reasons for the Recommendation

6. The Town and Country Planning (Control of Advertisement) (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.
7. The Planning Practice Guidance 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 National Planning Policy Framework sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.
8. The appeal site is a ground floor restaurant located within the Covent Garden Conservation Area (CA). Streets around the appeal site have more traditional architecture with externally illuminated shopfronts located at ground floor level. However, the courtyard area within which the host building is located has a more contemporary, vibrant character, with larger fascia signs on shopfronts and illuminated areas.
9. The proposal includes an internally illuminated fascia sign. The illumination is not excessively bright, and this ensures it does not appear overly prominent. The illuminated sign does not appear out of keeping with the well-lit courtyard area within which the appeal site is located. Although the surrounding streets have a more traditional shopfront appearance, the fascia sign appears compatible with the vibrant character of the courtyard area. It is thus not detrimental to the character of the wider CA.
10. The proposal also includes two externally illuminated projecting signs. These are positioned at either end of the shopfront, which leaves substantial space between the two signs and the fascia sign. They are relatively small, and the shopfront does not appear overly cluttered. The number of projecting signs is also in-keeping with the number of projecting signs seen on other shopfronts in the CA and surrounding streets, and does not appear excessive.
11. Overall, the proposed advertisements do not harm the visual amenity of the area and it preserves the character and appearance of the CA. Although not decisive, it accords with Policies 38, 39, 40 and 43 of the City of Westminster City Plan 2019-2040 (adopted 2021), which together aim to ensure signs and advertisements are sensitively designed in terms of their size, location and degree of illumination, have regard to the character and appearance of the existing area and townscape, including preserving the significance of conservation areas. It also complies with the aims of the City of Westminster Advertisement Design Guidelines which outline how advertisements should respect the character and appearance of the local area.

Conditions

12. Any consent is subject to the five standard conditions as set out in the Regulations. No other conditions are necessary.

Conclusion and Recommendation

13. The Council has raised no concerns over public safety, and I have no reason to disagree. For the reasons given above, I recommend that the appeal should be allowed.

Max Webb

APPEAL PLANNING OFFICER

Inspector's Decision

14. 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