
Appeal Decision

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

Decision by A McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2022

Appeal Ref: APP/K5600/Z/22/3291517

Earls Court Station, Warwick Road, London SW5 9TB

- 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 UK Limited against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref CA/21/06917, dated 26 October 2021, was refused by notice dated 20 December 2021.
 - The advertisement proposed is a single sided 48 sheet illuminated sequential advertisement display.
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Decision

1. The appeal is dismissed.

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.

Main Issues

3. The main issues in this appeal are the effect of the proposed advertisement on:
 - the visual amenity of the area; and
 - public safety

Reasons for the Recommendation

4. 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.

Visual Amenity

5. 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.

6. The appeal site is a wall connected to the Warwick Road entrance of the grade II listed Earl's Court Station, although the wall itself is not mentioned in the list entry. There is an existing advertisement on the appeal site and it appears the wall has been used for advertising historically. Warwick Road is relatively busy. However, the surrounding area is predominantly residential in character, with Earl's Court Square, Philbeach and Neverne Square Conservation Areas near to the appeal site all having a relatively residential character.
7. The proposal seeks to replace the existing signage with a digital display. Although the proposed display would be of a smaller overall size than the existing advertisement, it would be positioned at higher level. It would rise above the existing wall, which would lead to the proposal appearing prominent and awkward in relation to the structure behind. Images of historic advertisements also appear to show them fitting within the wall behind, rather than projecting above.
8. Whilst the appeal site was historically used as an advertisement location, since the demolition of the Earl's Court Exhibition Centre the area has retained a more residential character. Therefore, the proposed digital display, situated at the elevated position proposed, would appear out of keeping. Even if the display were to be switched off during the night and would not add noticeably to the surrounding light levels, this would not negate the harm identified.
9. Overall, the proposed advertisement would harm the visual amenity of the area and would be detrimental to the context of the listed building and adjacent Conservation Areas. Although not decisive, it would conflict with Policies CR4, CL1, CL2 and CL11 of the Royal Borough of Kensington and Chelsea Local Plan (adopted 2019) (Local Plan), which together require advertisements to be carefully controlled to avoid clutter and to ensure they respect and respond well to existing context, as well as preserve views that affect the setting of conservation areas and listed buildings.

Public Safety

10. The appeal site is next to Warwick Road and is visible when moving in both directions, although the wall is angled slightly so that it is more prominent moving westwards. There is a large amount of vehicular traffic. However, near the appeal site the road has no complex features or junctions. When I conducted the site visit, traffic appeared to be travelling at relatively slow speeds. This was due to the presence of multiple sets of traffic signals on Warwick Road, including the light controlled pedestrian crossing outside of Earl's Court Station.
11. The proposed digital display would be visible behind the pedestrian crossing outside of the station when moving in a westward direction along Warwick Road. The traffic signals are visible for a significant distance when approaching the pedestrian crossing, and this would give road users ample time to react to changing lights. As there are no junctions or complex road features, concentration would be predominantly on the traffic signals. Even if the display did interact with the signals, the size and positioning mean it would only likely decrease visibility of one of the lights at a time on the right side of the crossing when travelling in a westerly direction. As there would still be other clearly visible lights, this would be unlikely to cause significant distraction to road users.

12. Conditions could be implemented to guarantee the display would not be excessively bright, flashing or frequently changing, and this would further ensure the proposal would be unlikely to cause distraction to road users.
13. Regard has been given to Policies CT1 and CR4 of the Local Plan, which together aim to resist advertisements that would harm public or road safety. As the proposal would be unlikely to cause undue harm to public safety, it would accord with these Policies.

Other Matters

14. Any economic contribution or improvement of the site area through replacement of cladding would not be significant enough to outweigh the harm that would arise to the visual amenity of the area.

Conclusion and Recommendation

15. Although no harm has been found in respect of public safety, this does not outweigh or mitigate the harm that would arise in terms of amenity. For the reasons given above, I recommend that the appeal should be dismissed.

Max Webb

APPEAL PLANNING OFFICER

Inspector's Decision

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

A McCormack

INSPECTOR