
Appeal Decision

Site visit made on 4 April 2022 by R Dickson BSc (hons) MSc

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2022

Appeal Ref: APP/X5990/Z/22/3292231

18-20 Queensway, London W2 3RX, Grid Ref: 525914, 180672

- 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 Ewan Milne (Yeo Valley) against the decision of City of Westminster Council.
 - The application Ref 22/00375/ADV, dated 20 January 2022, was refused by notice dated 7 February 2022.
 - The advertisement proposed is described as "A Frame displayed outside the cafe in the outside seating area. No overlap with highways or public walkways."
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Decision

1. The appeal is allowed and express consent is granted for an A Frame advertisement board outside the cafe in the outside seating area at 18-20 Queensway, London W2 3RX in accordance with the terms of the application, Ref 22/00375/ADV, dated 20 January 2022, and the plans submitted with it. The consent is for one year 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.

Main Issue

3. The main issues are the effect of the advertisement on:
 - the visual amenity of the area, with particular regard to whether or not the advertisement would preserve or enhance the character or appearance of the Queensway Conservation Area (CA); and
 - public safety.

Reasons for the Recommendation

Visual amenity

4. Queensway is a vibrant street characterised by its active ground floor commercial usage, which is a significant part of the character of the CA. Many shops and cafes on Queensway have low level advertisements outside, including A frame advertisement boards, as well as outdoor seating and barriers. While these features together create a degree of visual clutter, they

are generally well contained to a narrow strip in front of the units and are a distinctive part of the character and appearance of this part of the CA.

5. In this context, the proposed advertisement would add little in terms of visual clutter, particularly if sited within a seating area as the appellant suggests, and would be consistent with the signage associated with other commercial premises in the area. Therefore, the addition of this A frame board would not be harmful to the character and appearance of the CA or to the visual amenity of the area.
6. I have taken into account Policy 43 of the City Plan 2019 – 2040 (adopted 2021), which seeks to achieve an attractive public space and ensure that advertisements will make a positive contribution to amenity, and so is material in this case. Given that I have concluded that the proposal would not harm amenity, the proposal does not conflict with this Policy.

Public safety

7. It is unclear from the evidence before me whether the pavement in front of the appeal property is public highway or not. Nevertheless, the pavement along this part of the street is wide, and even with tables and chairs and partitions outside adjoining premises, there is ample space for pedestrians to pass between them and the adjacent loading bay.
8. The proposed siting of the advertisement would leave several metres of unobstructed pavement between it and the loading bay for people to pass by safely. Consequently, it would not cause an obstruction of the highway which would affect pedestrian safety. Given its proposed position within the outdoor seating area of the café it could potentially affect customers entering and exiting the premises, however in the location shown on the submitted plan it would leave sufficient space around it for people to pass. Accordingly, the proposed advertisement would not harm public safety.
9. I have taken into account Policies 25 and 43 of the City Plan which seek to prioritise the pedestrian environment and create a safe and attractive public space and so are material in this case. Given I have concluded that the proposal would not harm public safety, the proposal does not conflict with these Policies.

Conditions

10. The 5 standard conditions as set out in the Regulations are necessary in order to provide certainty.
11. The appellant has applied for consent for one year, therefore I am granting express consent for one year only from the date of this decision.

Conclusion and Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to conditions.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed subject to the conditions above.

L McKay

INSPECTOR