

Appeal Decision

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

Decision by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 June 2022

Appeal Ref: APP/X5990/Z/22/3290552

3 Berkeley Street, London W1J 8NE

- 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 Crosstree Real Estate Partners LLP against the decision of the City of Westminster Council.
 - The application Ref 21/07388/ADV, dated 22 October 2021, was refused by notice dated 17 November 2021.
 - The advertisement proposed is the display of non-illuminated 8m (height) by 25m (wide) advertisement display affixed to the scaffolding set within a 1:1 façade replication building wrap for a period of 18 months.
-

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.
3. Although there were large shroud advertisements on the neighbouring building to the appeal site, these were not in place when I conducted the site visit. The scaffolding and associated shroud were also not in place at the appeal site.

Application for Costs

4. An application for costs was made by Crosstree Real Estate Partners LLP against the City of Westminster Council. This application is the subject of a separate decision.

Main Issue

5. The main issue is the effect of the proposed advertisement on the amenity of the 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 (the Framework) sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.

8. The appeal building is situated in the Mayfair Conservation Area, and special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The presence of numerous, high quality tall buildings that frame the highway is a distinct feature of the area, and this and the diversity of uses of the buildings is part of the significance of the conservation area. The appeal building is a large building, and is close to Piccadilly. This wide, open street has a vibrant, mixed use character. By contrast, the appeal street is narrower and, although busy, does not have the same bustling vibrancy as Piccadilly. Visible mixed use activity on the appeal street is principally at ground floor level, with uninterrupted and attractive tall building façades above this. The straight nature of Berkeley Street gives long views of the tall, high quality buildings that are to either side of the road. Although the appeal building has a plain and utilitarian appearance compared to some of the buildings nearby, given its height, size and position as part of the long row of buildings that frame the public footway, it makes a positive contribution towards the character and appearance of the conservation area.
9. The grade II listed building, Devonshire House, is situated opposite the appeal site, and the large size of this building along with its rich ornamentation makes it an imposing and attractive focal point on the corner of Berkeley Street with Piccadilly. Like the appeal building, Devonshire House also contributes towards the distinctive character and appearance of the locality, whereby the presence of so many tall buildings and the prevalence of repeated patterns of wall and voids on upper floors creates a harmonious appearance to the street scene.
10. The proposal would be for a large advertisement inset into a scaffold shroud replicating the building façade. The positioning of the proposed advertising area high above ground floor level would lead to it appearing overly prominent, and this harm would be unacceptable even with the temporary nature of the sign. The advertising area would be large, being approximately three storeys high and occupying much of the centre of the building. The advertisement would form the dominant image, thereby limiting the benefit gained from replicating the building façade.
11. Moreover, this prominence would be harmfully conspicuous within the street scene as the advertisement would disrupt the harmony of the built form that is such a distinctive element of the character and appearance of the conservation area. The advertisement would be visible close up and from some distance away, and as such its disruption of the street scene would draw the eye. Whilst the proposal would indicate the site is being redeveloped, traditional scaffolding and building works would also demonstrate this and, as they are a commonly occurring sight, they would appear less prominent than the proposed advertising area.
12. The advertisements that were granted consent at appeal (reference: APP/X5990/Z/20/3253288) on the neighbouring property mostly relate to the busier road at the end of Berkeley Street, close to Piccadilly, and these signs would be seen within the context of this vibrant, wide street, with the strong

dominance of mixed uses and activity. The appeal proposal would predominantly relate to Berkeley Street, and as it is less busy than Piccadilly and also more enclosed, the sign would appear overly dominant and out of place.

13. From the evidence provided regarding the other wraps in Westminster, such as John Lewis Oxford Street and 64-72 New Bond Street, unlike the appeal proposal these cover most of the buildings, and they are also within busy streets. With regard to these differences, these cases do not form a precedent for approving the appeal proposal.
14. The appellant considers there would be a cumulative benefit deriving from the presence of this sign with those on the neighbouring site. However, the centralised positioning of the advertisement on the building would set it apart from the other signage. It would appear as a discrete advertisement rather than as part of a cumulative whole, thereby exaggerating the harm.
15. Overall, the proposal would unacceptably harm the visual amenity of the area. The sign would appear as an obtrusive and distracting feature in the street scene, and it would thereby detract from the character and appearance of the conservation area and from the prominence of the listed building and the contribution it makes to the locality. The suggested conditions, including limiting the length of time to display the advertisement and specifying the content of the display, would not outweigh this harm.
16. Although not decisive in advertisement cases, I have taken into account that the proposal would conflict with Policies 38, 39, 40 and 43 of the City of Westminster City Plan 2019-2040 (adopted 2021). These aim, amongst other things, to ensure advertisements are sensitively designed in terms of their size and location, and have regard to the character and appearance of the existing area and townscape, including conserving and enhancing the significance of heritage assets, thereby reflecting objectives of the Framework.

Conclusion and Recommendation

17. For the reasons given above the advertisement would unacceptably harm public amenity, and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Max Webb

APPEAL PLANNING OFFICER

Inspector's Decision

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

JJ Evans

INSPECTOR