
Appeal Decision

Site visit made on 12 May 2022

by D M Young JP BSc (Hons) MPlan MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 10TH June 2022

Appeal Ref: APP/X5990/Z/22/3296474

20 John Prince's Street, London W1G 0BJ

- 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 London College of Fashion against the decision of City of Westminster Council.
 - The application Ref 21/07157/ADV, dated 18 October 2021, was refused by notice dated 24 February 2022.
 - The advertisement proposed is the display of an externally illuminated integrated LED screen, flush within the Portland Stone, with matching Portland Stone trim, measuring 2.8m X 5.8m and 2.8m X 4.5m at first floor level on the corner of Oxford Street and Holles Street.
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Decision

1. The appeal is allowed and express consent is granted for the display of an externally illuminated integrated LED screen, flush within the Portland Stone, with matching Portland Stone trim, measuring 2.8m X 5.8m and 2.8m X 4.5m at first floor level on the corner of Oxford Street and Holles Street 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 in addition to the following:
 - 1) The advertisements displayed shall be a series of static images, which individually feature no moving elements, dynamic displays, motion pictures or sound. The speed of change between one static image and the next shall be no quicker than 12 seconds.
 - 2) All specifications in relation to Lighting/Brightness of the advertisements should be in accordance with PLG05 The Brightness of Illuminated Advertisements, and the Institution of Lighting Professionals.

Procedural Matters

2. I have taken the description of development from the Council's Decision Notice.

Main Issue

3. The main issue is the effect of the advertisements on the visual amenity of the surrounding area.

Reasons

4. The London College of Fashion building lies in the heart of the West End. The appeal site comprises two splayed corners of a large multi-storey building

fronting Holles, Oxford and John Prince's Streets. As one would expect from an internationally significant shopping location, adverts of varying forms and styles are prevalent in the locality.

5. The two digital advertisement screens would be positioned at first-floor level. The first (4.5m x 2.8m) would be located at the corner of Oxford Street and John Prince's Street. The second (5.8 x 2.8m) would be positioned at the corner of Oxford Street and Holles Street. Both screens would be smaller than that proposed under the previous scheme¹.
6. Although there are heritage assets nearby the host building is not statutorily listed nor is the site within the Harley Street Conservation Area (to the west and north) or the Mayfair Conservation Area (to the south and west).
7. Policy 43 of The City Plan (2019-2040) states that signs and advertisements should make a positive contribution to amenity or public safety by being sensitively designed in terms of their size, location and degree of illumination, their impact on the building on which they are displayed, local context, street-scene and wider townscape.
8. As the Council points out, Oxford Street is highly commercialised with adverts generally related to shop units at street level. Despite that, higher level adverts, both illuminated and non-illuminated, are not uncommon either². In that regard, I take a slightly different view to the previous Inspector³.
9. While I did not observe any advertisements directly comparable to the appeal scheme, I do not consider that conformity alone should be the basis for determining development proposals. Such an approach is overly restrictive and does not allow an area to evolve in response to changing styles, tastes and technology.
10. I also disagree that the screens would be unduly large or incongruous. The size of the displays would reflect the dimensions of two anomalous apertures within the band of stonework at first-floor level. As such they would sit flush to the corner splay of the parapet adding a new, distinct and contemporary element to the Oxford Road street scene.
11. When seen against the backdrop of the large monolithic office block to the rear as well as the highly commercialised nature of Oxford Street, the screens would not appear inappropriate in their context. On the contrary, they would add visual interest to the somewhat sterile upper portions of the host building. Whilst they would undoubtedly be prominent, that is clearly the intention of any advert and is not a reason in itself to dismiss the appeal out of hand.
12. Whilst I accept there might be some effect on the setting of nearby listed buildings and conservation areas, the setting of these assets is already defined by the commercial nature of Oxford Street. In my view, the erection of these screens would not materially harm one's enjoyment of the assets or the way in which they are currently experienced. Thus, I am satisfied the effect of the development would be neutral. Accordingly, there would be no conflict with regards to Sections 66 and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

¹ PINS Ref: APP/X5990/Z/21/3275181

² Examples provided in the Appellant's Grounds of Appeal

³ See paragraph 5

13. I have carefully considered the appeal decisions drawn to my attention by the Council but by reason of; site characteristics, location and size of the development proposals, I find none to be directly comparable to the case in hand. In any event, I am required to assess the appeal before me on its own merits in the light of the particular circumstances which apply in this case and this is what I have done.
14. Overall, I conclude that the adverts would not harm the visual amenity of the surrounding area. Accordingly, there would be no conflict with Policy 43 of the City Plan, the 2007 Regulations, the Planning Practice Guidance or the National Planning Policy Framework.

Conclusion

15. Based on the foregoing and having regard to all other matters raised, I conclude that the appeal should succeed.
16. To avoid duplication, I have imposed those conditions suggested by the Council rather than the Appellant. These are necessary to protect the amenity of the area.

D. M. Young

Inspector