
Appeal Decision

Site visit made on 26 April 2022 by S Witherley CIHCM MRTPI

Decision by J Hunter BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2022

Appeal Ref: APP/X5990/Z/22/3293645

4-8 N I O C House, Second floor to Fourth Floor, Victoria St, London SW1H 0NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Giovanni Leuzzo on behalf of Blow Up Media UK Ltd against the decision of the Council of the London Borough of City of Westminster Council.
 - The application Ref 22/00741/ADV, dated 4 February 2022, was refused by notice dated 22 February 2022.
 - The development proposed is temporary decorative scaffold shroud screen printed onto pvc comprising a 1:1 coloured image of the building facade with an inset advertising and information area measuring 20 metres wide x 8 metres high during scaffolding and building operations.
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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.

Preliminary Matters

3. The Council has drawn attention to the policies they consider to be relevant to this appeal. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In the determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
4. The Council's refusal reason makes reference to the setting of the Westminster Abbey and Parliament Square Conservation (WAPSCA), and adjacent listed buildings; in addition, the delegated report makes reference to a world heritage site. Copies of the WAPSCA map and the listing descriptions were requested from the Council, however, no additional information was provided. Nevertheless, I was able to view a copy of the WAPSCA map showing the boundaries via the Council's own website.

Main Issue

5. The effect on the visual amenity of the locality which includes the nearby Conservation Areas (CAs), and nearby listed buildings.

Reasons

6. The appeal site is a large commercial building located on the corner of Victoria Street where it converges with Broad Sanctuary and Tothill Street. It is set amongst a backdrop of more traditional and noteworthy buildings.
7. The buildings immediately adjacent to and opposite the appeal site comprise mostly of large buildings with limited retail units. As such, there is little in the way of advertisement signage in the area. Where advertisements are present, they appear unobtrusive and are typically set discreetly above the ground floor entrance of large commercial buildings. The character and appearance of the area is one of large scale buildings with limited visual clutter and illumination upon the buildings themselves.
8. The proposal seeks to install a temporary decorative scaffold shroud which would incorporate a 1:1 image of the building's façade, it would incorporate an illuminated insert to provide advertising space and information area. This would be fixed to the scaffolding and as stated in the officer's report would measure 20 metres wide and 8 metres high. The appellant confirms that the proposal would be in place for a temporary period of 12 months.
9. Visibility of the proposed advert would be possible from a number of surrounding viewpoints including in oblique views taken from the east where a number of heritage assets are located.
10. The proposed advert would occupy less than 10% of the scaffolding area, however, it would still appear as a sizeable insertion in an area where there is no evidence of any other prominent high-level adverts or signage. As such, it would appear out of proportion and incongruous in comparison with most other adverts in this area and given its visual prominence would appear as an overly dominant and juxtaposed feature within the streetscape. It would, therefore, negatively affect the visual amenity of the area. Despite the appellants assertion that the proposal would only be in place for a temporary period of 12 months, and that the proposed levels of illumination could be minimised, these factors would not mitigate the harm identified.
11. The Government's Planning Practice Guidance for advertisements and shrouds states buildings that are being renovated or are undergoing major structural work which have scaffolding or netting around them may be considered suitable as temporary sites for shroud advertisements covering the face, or part of the face, of a building.
12. Having regard to this guidance, it is considered that in this case, whilst the proposed shroud with 1:1 image of the building would be visually more attractive than a plain shrouding, the impact of the proposed advert, within this area, and for the reasons set out above, would be significantly more harmful than an innocuous plain shroud in itself.
13. The delegated report notes that the site sits adjacent to the Broadway and Christchurch Gardens CA (BCGCA). This CA sits to the west of the appeal site. Its overall significance, in so far as it relates to this appeal, derives from the variety in built form, irregular building outlines, lively roofscapes and architectural features upon the buildings facades. Visibility to and from the appeal site is limited to long views taken from a small section of CA where it traverses Victoria Road. Views are constrained and given this, along with the

separation distances, the proposal would not impact upon the amenity of this CA.

14. The appeal site sits nearby to the boundary of the WAPSCA, from what I observed, the significance of this CA in so far as it relates to the appeal derives from the numerous important historical buildings associated with Britain's political and religious background. The appeal building appears prominent in a number of views to and from inside the CA. Given this, the highly prominent and commercial aspect of the proposed advert would appear incongruous in the setting of this CA and the nearby heritage assets. As such, the proposal would have a negative impact upon the amenity of the nearby CA and nearby listed buildings.
15. Whilst I appreciate the appellants position that income from the proposal would help financially, advertisements, however, should only be controlled in the interests of amenity and public safety. Limited weight is therefore, attached to this line of argument.
16. As part of their original application to the Council, the appellant submitted details of a previous Inspector's decision¹. The Inspector allowed a proposal for three non -illuminated adverts on a large commercial building located in the Piccadilly area of London. Having considered the Inspector's decision letter I appreciate that there are some comparisons to be made with the appeal before me. For example, both proposals seek shroud advertisements on large commercial buildings, both buildings are located in busy central London locations in or near to CAs and near to a number of designated heritage assets.
17. However, the previous Inspector considered that the proposed advertisements would be sited on a *building that addresses a wide and busy thoroughfare in an area with a strong commercial and retail character*. This is in contrast with the characteristics of the appeal site before me where I observed limited retail units and only small scale and unobtrusive signage that is sparsely located on large scale commercial units. Given the very different site characteristics limited weight is given to this argument.
18. Given the above, whilst there would be no harm to the amenity of the BCGCA, the proposed advert would have an adverse effect on the visual amenity of the locality and the WAPSCA and nearby listed buildings. Furthermore, insofar as they are material considerations in the determination of this matter, the proposal conflicts with Policies 38, 39 and 43 of the City Plan 2019 - 2040 City of Westminster (2021).

Conclusion

19. For the reasons given above and having had regard to all other matters raised, it is recommended that the appeal should be dismissed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

¹ Appeal Ref: APP/X5990/Z/20/3253288

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

J Hunter

INSPECTOR