
Appeal Decision

Site visit made on 20 April 2022 by Scott Wilson LLB, MSc, LRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2022

Appeal Ref: APP/K5600/Z/21/3285961

500 Kings Road, London, SW10 0LE

- 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 Mark Wilkinson (Infinity Outdoor) against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref CA/21/05506, dated 20 August 2021, was refused by notice dated 26 November 2021.
 - The development proposed is described as: 'A temporary open weave Upvc banner mounted upon a full working access scaffold for the duration of essential works to the host building. The proposal is to install a comprehensive decorative shroud screen around the scaffolding which will replace the normal builders screening methods of ad hoc sheeting and netting. The shroud would incorporate as its main feature a 1:1 image of the building façade which would extend around the perimeter of the site on both Kings Road & Slaidburn Street. A commercial advert will be shown from time to time centred and set within the 1:1 image as per the attached documentation'.
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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 Matter

3. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account where relevant. However, powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), (the Regulations), to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any relevant factors. In my determination of this appeal, the policies cited by the Council have not therefore, by themselves, been decisive.

Main Issue

4. The Council has raised no objection in respect of public safety, and I observed nothing which would lead me to come to a different conclusion. Accordingly, the main issue is the effect of the proposed advertisement on visual amenity, with particular regard to whether it would preserve or enhance the character or appearance of the Sloane Stanley Conservation Area (SSCA).

Reasons for the Recommendation

5. 500 Kings Road is a prominent corner building with primary elevations on both Kings Road and Slaidburn Street, separated by a chamfered corner feature. There is ground floor commercial use and residential use of the floors above. It is prominently located on the edge of, but within, the SSCA and is demarcated as a positive building within the SSCA Appraisal (adopted 2015) (the Appraisal). The Appraisal describes positive buildings as contributing to the historic and architectural character and appearance of the SSCA, and that they are a key reason for the designation and significance of the SSCA. The Appraisal describes the area as an important example of mid-Victorian speculative development, and retail/commercial use, where it occurs, is recognised at ground floor level.
6. The character of this part of Kings Road is that of a busy, vibrant road with multiple examples of retail/commercial use at the ground floor level. While there are many fascia level signs, there is an absence of high-level advertisements and consequently the facades of the surrounding buildings form a dominant part of the Kings Road Street scene. In contrast, Slaidburn Street has a residential character and appearance with no commercial elements or signage except for the appeal building at ground floor level. The street is a no through road which emphasises its residential character.
7. The proposal would place a building image shroud wrap on both the Kings Road and Slaidburn Street elevations incorporating an 8.5 x 8m commercial advertising insert area on the Slaidburn Street elevation, covering most of the first and second floors.
8. The proposed building image would provide some visual interest to the site. However, due to its size and elevated position, the introduction of a large commercial advertisement insert area covering a large proportion of the upper residential floors of the Slaidburn Street elevation would inappropriately dominate the host building. It would introduce an intrusive and alien feature into the residential character and appearance of Slaidburn Street and that part of the SSCA. Furthermore, it would be distinctly out of keeping with the local context and character of commercial uses being at ground floor level with building façade above.
9. A building image wrap can improve the appearance of a construction site compared to scaffolding, mesh, or a plain wrap. The Planning Policy Guidance specifically mentions that buildings undergoing renovations may be considered suitable as temporary sites for shroud or large 'wrap' advertisements. However, the limited amenity benefit of the 1-1 image on the King's Road elevation would be significantly outweighed by the harm I have identified from the commercial advertising area on the Slaidburn Street elevation. Moreover, whilst I appreciate that mesh would be likely to be installed around the scaffolding whilst works to the building are being undertaken, I find that such material would be unlikely to have the same harmful effect on the visual amenity of the area that I have identified.
10. Consequently, the proposal would harm the appearance of the building and fail to preserve or enhance the character and appearance of the SSCA. Therefore, it would have an adverse impact on visual amenity.

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11. I note that the harmful effects would be temporary and reversible and the appellant's willingness to accept a condition limiting consent to a period of 9 months. However, this would still be a notable period when the character of the area would be overwhelmed by an intrusive and overly dominant commercial advertisement insert. Therefore, a condition would not adequately address the harm identified.
 12. I also note the appellant's willingness to accept conditions to limit the hours and brightness of illumination or to omit the illumination entirely. However, the proposal would still be entirely visible during daylight hours and therefore this would not reduce the identified harm to an acceptable level.
 13. In conclusion, the proposal would fail to preserve or enhance the SSCA and therefore have an unacceptable adverse impact on the amenity of the area. I have taken into account Policies CR4, CL1 and CL3 of the Royal Borough of Kensington and Chelsea Local Plan (2019), which, amongst other matters, seek to resist adverts that harm amenity, protect the context and character of the area and preserve and enhance conservation areas, and so are material in this case. Given that I have concluded that the proposal would harm the area, the SSCA and amenity, the proposal conflicts with these policies.

Other Matters

14. I have been referred to other examples of scaffolding building image wraps in the Borough, some incorporating commercial advertisements, near period buildings and in prominent locations. Although I have the Council's decision notices for some of these, I have limited details of the reasons they were considered acceptable in relation to the individual circumstances of the sites. The appeal decision for 197 Kensington High Street does however confirm that no commercial advertising was proposed on the side of the shroud in a residential street; and that the building having already been substantially demolished, the site did not make a positive contribution to the area. From the evidence before me it appears that the other commercial advertisements would also not be on streets with a residential character and appearance, in contrast to the appeal site. Consequently, none of the examples are directly comparable to the case before me in either context or impact, and do not therefore justify the harm identified from the appeal scheme.
15. Matters relating to the funding revenue received from the placement of the advertisement are outside of the scope of the relevant Regulations. In any event, from the evidence before me I cannot be certain that the works proposed to be funded through this advertisement have been, or would be, granted permission. Therefore, this matter has not been decisive in this case.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

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

L McKay

INSPECTOR