



Appeal Decision

Site visit made on 4 July 2022

by S Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th July 2022

Appeal Ref: APP/X5990/Z/22/3299517

All Souls Church of England, All Souls Place, London W1B 3DA

- 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 David Shafik against the decision of Westminster City Council.
 - The application Ref 22/02706/ADV, dated 21 April 2022, was refused by notice dated 17 May 2022.
 - The advertisement proposed is temporary decorative scaffold shroud screen advertisement comprising a 1:1 image of the church façade with an inset area for advertising and information measuring 16m x 5m.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative effects. The Council refused the application on amenity grounds only.
3. Since the determination of the application the Council has acknowledged that the advertisement would be a static poster type advertisement rather than digital screen advertisement as originally interpreted. Nevertheless, I understand from what I have read that the Council would still have refused consent for the proposal on the basis of its location, height and size and its impact on surrounding heritage assets, as set out in the reasons for refusal. Having regard to the appellant's comments I have dealt with the appeal on that basis.
4. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a conservation area. This duty applies in advertisement appeals in so far as it relates to amenity.

Main Issues

5. The main issue in this case is therefore the effect of the proposal on the visual amenity of the area, having particular regard to whether or not it would preserve or enhance the character or appearance of the Harley Street Conservation Area.

Reasons

6. All Souls Church is a grade I listed building designed by John Nash, dating from 1822-24. It is of the highest architectural and historic significance. At the time of my visit the building was largely concealed by scaffolding erected in association with comprehensive works to refurbish the external façade of the building and the roof, including stonework cleaning, the full restoration of the rotunda steps and the installation of a new lighting scheme to illuminate the spire and rotunda.
7. The site lies within the Harley Street Conservation Area which is rich in architectural and historical interest. The church is located within the immediate setting of the grade II* listed building Broadcasting House which dates from 1930-32, the grade II listed buildings Nos 1 and 3 Riding Street which date from 1911 and The Langham Hotel, also a grade II listed building, dating from 1864-65. The special interest of these buildings, as heritage assets, lies in their age, the quality of their architecture and their historic and cultural significance. Individually and cumulatively these buildings have a significant positive effect on the character and appearance of the conservation area, albeit the contribution by All Souls Church is currently reduced as a result of the scaffolding. The buildings also make a positive contribution to the setting of the Regent Street Conservation Area, the boundary of which is very close by.
8. It is proposed to cover the scaffolding with a pvc decorative shroud, depicting a 1:1 scale image of the building. Within that image would be an inset advertisement measuring some 16m x 5m, positioned in a landscape format on the south side of the building facing down Regent Street. The advertisement would be printed on pvc and would be changed every two weeks. It would be illuminated by means of external lighting.
9. The Framework is clear at paragraph 136 that the quality and character of places can suffer when advertisements are poorly sited and designed. At my site visit I noted that advertisements on commercial premises in the vicinity of the site were very limited and, where they existed, tended to be discreet in terms of their size, scale and means of illumination. In this respect I noted a marked contrast with the retail area around Oxford Circus and Oxford Street.
10. At 16m in length and with lettering and symbols a maximum height of 3m, the proposed advertisement would be considerable in terms of its size. Whilst it would occupy only a proportion of the shroud as a whole, it would extend along much of the south side of the rotunda and would be positioned some 4m above ground level. Accordingly, it would be a dominant and overbearing feature in its immediate locality, its presence accentuated by the limited number of advertisements in the area and the subtle quality of the buildings around it. In addition, given its size and highly prominent location it would be visible for a considerable distance along Regent Street and from within the Regent Street Conservation Area.
11. Were the advertisement to be illuminated by means of external lighting, as is proposed, its presence would be particularly apparent in the hours of darkness. Whilst I understand that the appellant would be content for the illumination to be removed from the proposal, even a non-illuminated sign of the size proposed would be a visually intrusive feature in this historic setting. Accordingly, the proposal would fail to preserve the character or appearance of the conservation area as required by the Act.

12. I have taken into account that the shroud, and the advertisement, would be temporary, only present for the duration of the building works, estimated to be around 7 months. This limits the harm that the advertisement would cause. Nevertheless, the Framework is clear that great weight should be given to an asset's conservation, and the more important the asset, the greater the weight should be. In this case, as the proposal would affect the setting of several listed buildings, would fail to preserve or enhance the character and appearance of the Harley Street Conservation Area, and would have a harmful impact on the setting of the Regent Street Conservation Area, that weight is significant.
13. I recognise that the church, as a community, makes a valuable contribution to the social needs of the area and that restoration works are required to enable the building to continue to be used. I have also taken into account the public benefits the restoration work will bring to the listed building in terms of its longevity and the ability of the public to appreciate it. The need for the scaffolding to be shrouded is part of those works. A printed image of the building on the shroud would be, to my mind, an engaging feature that would provide interest during the building works. However, the harm to the amenity of the area as a result of the size, scale and location of the advertisement would outweigh any benefits in this respect, even for a temporary period.
14. I understand that there are very significant costs associated with the project as a whole. Whilst I acknowledge that revenue from the advertisement would assist in mitigating the costs of the works, I can only determine the appeal on the basis of amenity or public safety.
15. I have taken into account Policies 38, 39 and 43(G) of the Council's adopted City Plan 2019-2040 (2021) insofar as they seek to protect amenity. Given that I have concluded that the proposal would harm amenity, the proposal would conflict with these policies.
16. For these reasons, and taking into account all other matters raised, the appeal is dismissed.

S Ashworth

INSPECTOR