



Appeal Decision

Site visit made on 18 July by A Humphries BSc (Hons) MSc

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2022

Appeal Ref: APP/X5990/Z/22/3296874

7 Berwick Street, London, W1F 0PJ

- 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 Giovanni Leuzzo on behalf of Blow Up Media UK Ltd against the decision of the Council of the City of Westminster.
 - The application Ref 22/02037/ADV, dated 24 March 2022, was refused by notice dated 12 April 2022.
 - The advertisement proposed is a temporary decorative scaffold shroud screen advertisement for a period of 6 months during works with an inset advertising area measuring 6.5m x 5m.
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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. There is a degree of variation between the description of development on the application form and that provided on the appeal form. I see no reason to deviate from the above description of development, which is taken from the application form and replicated on the Council's decision notice.

Main Issue

4. The National Planning Policy Framework (the Framework) sets out that advertisements should be subject to control with regard to amenity and public safety, taking account of cumulative impacts. I note that the Council has not raised any issues regarding public safety and this was not a reason for refusal. On the basis of there being no evidence to the contrary and observations made during the site visit, I see no reason to disagree.
5. The main issue is therefore the effect of the proposed advertisement shroud on amenity, having regard to the host property and the street scene, and the character and appearance of the Soho Conservation Area.

Reasons for the Recommendation

6. The appeal site is a terraced building located on Berwick Street within the Soho Conservation Area (the Conservation Area). Berwick Street is characterised

- principally by residential and commercial uses, with small-scale commercial premises at ground floor level creating active frontages. These commercial premises display small fascia and overhanging signs principally at ground floor level, with limited small-scale signage above.
7. Berwick Street is known for its vibrant street market and the significance of the area is derived from the narrow streets lined by small-scale buildings with varied architectural styles, as noted in the Council's Conservation Area Audit Supplementary Planning Guidance. This was observed during the site visit along with the interjection of larger scale buildings, notably Kemp House.
 8. The submitted plans indicate that the proposed temporary shroud would be designed so as to present a visual representation of the façade of the building on which it is located. The proposed advertisement in the form of a poster image would be positioned across the first and second floor levels, covering a large proportion of the shroud on the front elevation of the host property. The incorporation of the advertisement within the shroud would interrupt the imagery of the existing building and, owing to its size, would become the dominant aspect of the shroud.
 9. The proposed advertisement would be positioned above the main commercial activity at ground floor level. In this context where fascia and overhanging signs are principally at ground floor level and small in scale, the proposed advertisement would be a departure from the prevailing character of the street scene owing to its size and position. Consequently, the proposed advertisement would appear visually intrusive and a dominant feature on the street scene to passers-by in close views and the residents of Kemp House directly opposite the host property.
 10. The appellant has indicated that the illumination of the proposed advertisement was an optional feature that could either be controlled by a condition or omitted entirely. However, the illumination of the proposed advertisement does not materially alter the harm identified above from the proposed advertisement with regard to visual amenity.
 11. I have had regard to the appellant's contention that the proposed advertisement would contribute to the funding and maintenance of the shroud. However, whilst this may well be the case, no clear financial details or evidence linking the advertisement to the provision and maintenance of the shroud have been provided in support of the proposed advertisement as part of the appeal. This therefore significantly limits the weight that can be attributed in support of the appellant's case in this regard.
 12. I acknowledge that the proposed façade replica on the shroud would add visual interest during the temporary period of the building works compared to the alternative of plain scaffolding. Whilst it is inevitable that scaffolding would also detract from the amenity of the street scene, the use of scaffolding or a plain shroud for the temporary period of construction would be an accepted part and expectation of building works. Furthermore, the scaffolding and a plain shroud devoid of advertisement would not appear as visually dominant within the street scene as the proposal. I appreciate the limited period for which consent is sought. However, this does not mitigate the harm to the visual amenity of the street scene that would be caused by the proposed advertisement on the shroud, as described above. I have therefore given limited weight to the fallback position of scaffolding.

13. For the reasons above, the proposed shroud advertisement would cause harm to amenity due to the unacceptable effect on the character and appearance of the host property, street scene and to the significance of the Conservation Area. The proposed shroud advertisement would therefore neither preserve nor enhance the Soho Conservation Area. The Council has drawn my attention to policies 38, 39 and 43(G) of the City Plan 2019 - 2040 (2021) and Policy 1 of The Soho Neighbourhood Plan (2021). Collectively, these policies seek high quality design that is sensitive to the local context, positively contributes to the street scene and protects or enhances heritage assets. Whilst not determinative, I have taken these policies into account in so far as the policy is a material consideration and I found that the proposed advertisement shroud would be contrary to these policies.

Other Matters

14. I have considered the Planning Practice Guidance which states that buildings that have scaffolding around them may be suitable for shroud advertisements. However, this recognises that not all sites will be suitable for such an approach, as would be the case in this instance. In this regard, consideration has also been given to the Framework that recognises poorly sited advertisements can adversely impact the quality and character of places, which has been identified above in relation to the proposed advertisement.

Conclusion and Recommendation

15. For the reasons given above I conclude that the display of the proposed advertisement would be detrimental to the interests of visual amenity.

A Humphries

APPEAL PLANNING OFFICER

Inspector's Decision

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

Martin Seaton

INSPECTOR