



Appeal Decision

Site visit made on 15 September 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 OCTOBER 2022

Appeal Ref: APP/K5030/Z/22/3301546

14 Trinity Square, London EC3N 4AA

- 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 McMullen & Sons Ltd against the decision of City of London Council.
 - The application Ref 21/01117/ADVT, dated 17 December 2021, was refused by notice dated 28 April 2022.
 - The advertisement proposed is an internally illuminated fascia sign.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my visit the advertisement had been installed. I am therefore considering the appeal retrospectively.

Main Issue

3. The main issue is the effect of the advertisement on the amenity of the area, with particular regard to the character and appearance of the Trinity Square Conservation Area.

Reasons

4. The appeal building is a six-storey building with a public house on the ground floor to which the advertisement relates. It is located within a mixed-use area that has a moderate to high level of commercial activity. It is also located within the Trinity Square Conservation Area (TSCA) that is characterised as a small group of early 20th Century buildings of a classical style with extensive use of Portland stone and is dominated by the prominent former Port of London Authority building.
5. The appeal building overlooks Trinity Gardens and is made up of four vertically defined bays that give it a well-defined and proportioned appearance. The arrangement is demonstrated at the ground floor where the stonework forms decorative rusticated columns giving an arcade appearance with distinctive projecting keystone detail. Such features result in the building making a positive contribution to the character and appearance of the TSCA.
6. The National Planning Policy Framework (the Framework) states that, the quality and character of places can suffer when advertisements are poorly sited and designed. It also states that advertisements should be subject to control

- only in the interests of amenity and public safety, taking account of cumulative impacts. Planning Practice Guidance states that, in assessing amenity, regard should be had to the local characteristics of the neighbourhood.
7. In an appeal for an advertisement in a conservation area, the test from s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is that "special attention shall be paid to the desirability of "preserving or enhancing the character or appearance" of a Conservation Area". This statutory duty applies in advertisement appeals in so far as it relates to the consideration of 'amenity'.
 8. The advertisement has been installed in the horizontal stonework above the columns and beneath the plinth that separates the ground floor from the upper floors of the building. It has been installed in such a manner that it cuts across and obscures the distinctive keystone features, and significantly dilutes the positive contribution this feature of the building makes to its character and appearance. I accept that the relatively lightweight design of the signage leaves a degree of legibility of the architectural detail beneath it, however it is nevertheless substantially obscured, and harm is caused for this reason.
 9. I acknowledge that the appeal building does not benefit from a traditional fascia panel such as the example to the adjacent building. Nevertheless, the absence of such a feature does not justify the harm I have identified, and as has been demonstrated in the canopies that have been installed, there are other means of incorporating advertisements on the premises.
 10. The appellant has referred to advertisement consent being previously granted¹ for signage in broadly the same position on the building. This consent granted in 1977 predates much, if not all, of the relevant legislation and guidance that is applicable. It would also appear to pre-date the conservation area designation. Either way, the significant passage of time results in limited weight being given to this previous consent. I have also come to my own conclusions on the advertisement.
 11. The appellant considers that the illumination of the stonework that is caused by the illuminated advertisement is a benefit of the advertisement. I do not consider that this justifies or outweighs the harm I have identified. In addition, I am not convinced that the advertisement and its associated illumination is the sole means of achieving greater appreciation of the building.
 12. The appellant has referred to advertisements that have been installed at no. 1 Byward Street and nos. 8-14 Cooper's Row. I do not however have full details of these examples in order to give them significant weight in the appeal, which I have in any event determined on its own individual planning merits.
 13. In accordance with the Regulations², I have taken into account the provisions of the development plan so far as they are material. I conclude that the advertisement has a harmful effect upon amenity and fails to preserve or enhance the character and appearance of the TSCA. The advertisement therefore conflicts with the amenity protection and heritage conservation and enhancement aims of Policies CS10, DM10.6, CS12 and DM12.1 of the City of London Local Plan (2015).

¹ Application Ref 1097K

² Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Conclusion

14. For the reasons set out above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR