



Appeal Decision

Site visit made on 20 September 2022

by Gareth W Thomas BSc (Hons) MSc (Dist) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2022

Appeal Ref: APP/X5990/Z/22/3296131

**4-8 Victoria Street, N I O C House, Second Floor To Fourth Floor,
Westminster, London SW1H 0NE**

- 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 Blow Up Media UK LTD against the decision of City of Westminster Council.
 - The application Ref 22/01330/ADV, dated 28 February 2022, was refused by notice dated 31 March 2022.
 - The advertisement proposed is for a temporary decorative scaffold shroud screen printed onto pvc comprising a 1:1 image of the building facade with an inset advertising and information area during scaffolding and building operations.
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Decision

1. The appeal is dismissed.

Procedural matters

2. This is an alternative proposal for a decorative scaffold shroud screen with inset advertising and information area and which was refused advertisement consent at appeal¹ on 14 June 2022.
3. The National Planning Policy Framework states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. In refusing the application, the Council states that the advertisement would harm the character and appearance of the of the Westminster Abbey and Parliament Square Conservation Area (WAPSCA).
4. The statutory duty under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This duty applies in advertisement appeals insofar as it relates to the consideration of amenity.
5. 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.

¹ APP/X5990/Z/22/3293645

Main Issue

6. The Council raises no issue in respect of public safety and having assessed the proposal, I have no reason to disagree. The main issue is therefore the effect of the temporary advertisement display on the visual amenity of the area, which includes two conservation areas and a number of listed buildings.

Reasons

7. The previous Inspector explained that 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. I would go even further in saying that the backdrop includes notable and iconic buildings of national ecclesiastical and political status and importance. This is probably the main reason for the dearth of advertisement clutter in the vicinity. Where they are present, advertisements are discreet and set back within building reveals, usually above the front entrances to commercial properties.
8. 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.
9. The appeal site comprises a more modern tall structure that is presently being renovated/redeveloped. It has a lengthy frontage of some 90m to Victoria Street and a return frontage at the end. It is a substantial building of 10 storeys which would be covered in scaffolding and shrouded. The proposed advert would comprise two areas at first floors facing Victoria Street. Described in the application as "commercial areas", the advertisement would occupy a width of some 18m and a height of 4.2m and be illuminated by overhead 'spotlights' at 3m intervals, which would be optional dependent on my consideration.
10. The appeal site lies close to the boundary of the WAPSCA, the significance of which is derived from its great diversity of nationally significant buildings. Whilst the immediate location of the appeal building is characterised by the predominance of large-scale buildings with commercial frontages, Victoria Street opens up views of Westminster Abbey and other iconic buildings of national importance. Advertising is not a common or prominent feature in the area. There is a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
11. Although the site also sits adjacent to the Broadway and Christchurch Gardens Conservation Area, the significance thereof derives from the variety in built form, irregular building outlines, lively roofscapes and architectural features upon the facades of the buildings, I am satisfied that the proposed advertisement will not unduly affect the amenity of this Area. However, from the WAPSCA, the appeal site is prominent when viewed from public spaces within the setting of Westminster Abbey. Moving up and down from or towards this area, I have no doubt whatsoever that this proposal would have a visually damaging effect on the amenity of the local area, the setting of WAPSCA and nearby listed buildings.

12. The appellant again seeks to justify the proposed advertisements by reference to other commercial buildings under renovation in the Knightsbridge, Piccadilly and Brompton Road areas where similar adverts have been placed on prominent front elevations and which were supported by the local planning authority. However, the photographs presented to justify a similar approach at this location are of buildings and location of very different character. There is simply no comparison and I give limited weight to such representations.
13. I consider that the harm to the amenity of the area resulting from the location, orientation, siting and lack of other similarly large commercial advertisements in the immediate vicinity would outweigh the benefits that would accrue from the shroud advertisements, even for the temporary period sought by the proposal. This is despite the design innovation claimed, the reduction in size and numbers and the generally better positioning of the advertisements than previously proposed.
14. I accept that costs of the works of refurbishment to this very large commercial building would provide additional justification for revenue generation from the appeal scheme. However, I must discount this benefit as such a matter should have little bearing on my decision, which is confined to considerations of amenity and public safety.
15. Having considered the above, whilst there would be no harm to the amenity of the BCGCA, the proposed advertisement would have an adverse effect on the visual amenity of the locality, the WAPSCA and nearby listed buildings. 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

16. For the reasons given above I conclude that the appeal should be dismissed.

Gareth W Thomas

INSPECTOR