



Appeal Decision

Site visit made on 21 November 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2022

Appeal Ref: APP/X5990/Z/22/3305769

318 Oxford Street, London W1C 1HF

- 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 Infinity Outdoor Ltd against the decision of City of Westminster Council.
- The application Ref 22/03127/ADV, dated 10 May 2022, was refused by notice dated 4 July 2022.
- The advertisement proposed was originally described as display of non-illuminated 22m (wide) x 10m (height) advertisement display area set within a 1:1 façade replication building wrap affixed to the scaffolding frame on southern and part of eastern facing elevation for a temporary period of 18 months.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

3. The appeal site lies within, but on the edge of, Harley Street Conservation Area (HSCA) and borders the Mayfair Conservation Area (MCA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of '*preserving or enhancing the character or appearance*' of a CA. This duty applies in advertisement appeals in so far as it relates to amenity.
4. The appeal building is a large, former retail unit, which is currently subject to construction works. It fronts onto Oxford Street, which is a busy street predominantly characterised by retail shops. Both the HSCA and MCA are rich in architectural and historical interest. The appeal building is noted within the Council HSCA Appraisal as being built in the Twentieth Century in a modernist style. It is an imposing building and makes a positive contribution to the area.
5. Significant amounts of scaffolding are present at the building, as part of redevelopment works, and it is in part covered by an existing white shroud which aids in screening the unsightly scaffolding. The proposed shroud would include a 1:1 depiction of the building, and in this regard, that aspect would be an improvement from the current situation.
6. However, the proposed advertisement that would form part of the shroud would be centrally located and would be a significant size spanning multiple floors and windows. Being 10m high and 22m wide, it would be an unduly large sign, which would have a dominating presence in the street scene. There are

some street trees along the footway in this part of Oxford Street. However, in winter they would offer little screening. Even in summer, the advertisement would rise above the height of the trees not far from the height of the adjacent building at No 324 Oxford Street. Seen in this context, it would be a significantly detracting feature.

7. I saw other buildings nearby with shrouds with advertisements promoting the developer or development near the appeal site. However, these all differed in that they did not include a 1:1 depiction of the building but critically the advertisements were not of the same significant, overwhelming scale as the proposal before me.
8. There are no firm details of the advertisement image or the frequency that the sign would be changed. Nonetheless, my concerns relate solely to the scale of the image proposed. In proportion to the building the advertisement would represent a small percentage. However, it would appear at odds with the type and scale of other advertisements within the street scene. In this regard, even for a temporary period of 18 months, and with the benefits of the 1:1 depiction of the building, the advertisement would not enhance or preserve the character or appearance of the CA.
9. The appellant has highlighted a paragraph from an appeal decision in Westminster. Although I do not disagree with the Inspector's summary of how shrouds are commonly seen in urban areas, I do not have the full details of the appeal, or the circumstances of that case, to draw a comparison. The Inspector did not indicate that advertisements on shrouds would be acceptable in all circumstances. Moreover, both parties have referred to various appeal decisions for advertisements on shrouds. These include both allowed and dismissed appeals, indicating both the acceptability and harm that can be caused in different circumstances.
10. Indeed, Paragraph 136 of the National Planning Policy Framework advises that the quality and character of places can suffer when advertisements are poorly sited and designed. In this regard, my concerns are not the principle of the proposed advertisement within the shroud, but the scale of the advertisement in this location.
11. I have been referred to other examples of upper floor signs at retail units along Oxford Street. However, they relate to the retail units and are not, from the information before me, of a similar size and type of sign to that proposed. Moreover, I have not been referred to any existing similar type and size of advertisement within either the HSCA or MCA.
12. To conclude, the proposed advertisement would have an unacceptably harmful effect on the visual amenity of the area. The Council has cited Policies 38, 39 and 43(G) of its City Plan (2021) in its reason for refusal. The advertisement regulations require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken these policies into account, they have not been decisive in my determination.
13. For these reasons, the appeal is dismissed.

Mr R Walker

INSPECTOR