



Appeal Decision

Site visit made on 14 February 2023

by P J G Ware BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2023

Appeal Ref: APP/X5990/Z/22/3311467

334-348 Oxford Street, London W1C 1JG

- 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 Urban Vision against the decision of City of Westminster Council.
 - The application Ref 22/05690/ADV, dated 19 August 2022, was refused by notice dated 18 October 2022.
 - The advertisement proposed is a scaffold shroud with 1:1 scale printed image of the proposed building and 2x areas of inset advertising measuring 12m x 5m each.
-

Decision

1. The appeal is allowed and express consent is granted for the display of the advertisement as applied for. The consent is subject to the condition at the end of this decision and the other standard conditions set out in the Regulations.

Main issue

2. The main issue in this case is the effect of the proposal on the amenity of the area.

Reasons

3. The appeal premises are an unlisted building on the north side of Oxford Street, between Vere Street and Marylebone Lane. In 2022 planning permission was granted for the redevelopment of the site, including the partial retention, extension and alteration of the building for commercial use. Building works are under way at the site.
4. Oxford Street is a bustling commercial and retail thoroughfare, with a range of multi-storey buildings including shops at ground and some at first floor level.
5. The site is in close proximity to three conservation areas – Stratford Place, Harley Street and Mayfair. However it is not within any of them. There are a number of listed buildings in the vicinity – the Grade I listed Church of St Peters, the Grade II listed 8-10 Stratford Place and the Grade II listed 2-7 Stratford Place.
6. The proposal is two externally illuminated advertising banners each measuring 5m x 12m, each wrapped around a corner of the site between Oxford Street

- and the side roads. The banners would be positioned at first floor level and be retained for a limited period whilst building work is in progress.
7. I agree with the Council that the illuminated advertisement panels would be very visible in the Oxford Street streetscene, and the presence of trees would only obscure them to a limited extent. However it is self-evident that advertising material needs to be sufficiently visible in order to fulfil its function and simply identifying visibility does not equate to harm.
 8. Although the street is possibly the most bustling retail thoroughfare in the country, and this is its overwhelming characteristic, there is only a limited amount of advertising above ground floor level. However, whilst recognising the heritage assets in the vicinity I consider that the main consideration is how the proposed advertisements would relate to the building and the wider townscape.
 9. In relation to the scale of the building as a whole, the proposed advertisements would take up a small proportion of the scaffolding wrap and the building. In this context the size, height and design of the advertisements, including the fact that they would be illuminated, would sit comfortably in the busy streetscene and cause no harm to the conservation areas or other heritage assets. Although there are a limited number of upper level of advertisements along this part of Oxford Street, they are by no means entirely absent. There are also some obviously retail uses at first floor level and the number of passing buses with advertisements at a high level all combine to generate interest and activity above street level. The proposal would not dominate the heritage assets in the area and would cause no harm.
 10. The relevant development plan policies are to be found in the City Plan 2019-2040 (April 2021). Policies 38 and 39 set out general design principles and the importance of the historic environment of the Borough. Most specifically, policy 43 provides that advertisements should make a positive contribution to amenity by being sensitively designed in terms of their size, location and degree of illumination, their impact on the building on which they are displayed, local context, street-scene, and wider townscape. I am obviously also mindful of national policy in the National Planning Policy Framework in terms of good design and the matters which can properly be considered in advertisement proposals.
 11. For the reasons set out above, I consider that the proposal complies with these local and national policies.
 12. Both parties have put forward 'comparable' appeal decisions which support their respective positions. I have carefully considered each decision, and visited those locations closest to the appeal site. However each proposal must be determined on its merits and the particular location of the current appeal site, the limited scale of the proposal and the fact that it is close to but not within conservation areas, sets it apart from the other decisions – whatever the outcome in those cases.
 13. The application to the Council proposed that the advertisements would remain in place until 31 December 2023. Obviously there has been a passage of time

since the application, the Council's decision and this appeal decision. But I have not seen any suggestion that any different period is sought or necessary.

14. For the reasons given above I conclude that the display of the advertisement would not be detrimental to the interests of amenity or public safety.

P. J. G. Ware
Inspector

Condition

The advertisements permitted by this consent shall be removed from the site no later than 31 December 2023.