



Appeal Decision

Site visit made on 6 March 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2023

Appeal Ref: APP/X5990/H/22/3309941

The London Pavilion 1 Piccadilly Circus, London W1J 0DA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Ms Maddalena Sanvito (Streetvox) against the Council of the London Borough of the City of Westminster.
 - The application Ref 22/04554/ADV is dated 5 July 2022.
 - The advertisement proposed is scaffolding shrouds with 1:1 printed image of building and 2x inset illuminated advertising areas measuring 12.5m x 12.0m.
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Decision

1. The appeal is allowed and express consent is granted for scaffolding shrouds with 1:1 printed image of building and 2x inset illuminated advertising areas measuring 12.5m x 12.0m as applied for. The consent is for twelve months from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 1. The scaffolding shrouds and inset advertisements shall be removed at the end of the temporary period of express consent or when the external refurbishment works to the building have been completed, whichever is sooner.
 2. The level of illumination of each advertisement display shall be no greater than 300 candelas per square metre at any time.

Preliminary Matters

2. This appeal was submitted following the Council's failure to give notice of its decision within the prescribed period. During the course of the appeal the Council outlined its concerns with the proposal.
3. In accordance with the National Planning Policy Framework (the Framework) and the Regulations¹, advertisements are subject to control only in the interests of amenity and public safety, taking into account the provisions of the development plan so far as they are material and any other relevant factors.

Main Issue

4. The effect of the proposal on visual amenity.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

Reasons

5. The appeal site is located within the Soho Conservation Area (the SCA), whose special interest lies not only in its architectural heritage and intimate scale of built form which is reflective of a village, but also its vibrant and diverse character created by residential neighbourhoods and variety of small businesses. The site is also within the setting of the Regent Street Conservation Area (the RSCA) and the Haymarket Conservation Area (the HCA).
6. The appeal building, The London Pavilion, is a Grade II listed building occupying a prominent triangular site fronting Piccadilly Circus. The significance of The London Pavilion is derived from its former theatre use along with its striking architectural detailing. It makes a positive contribution to the SCA and the setting of the RSCA and HCA.
7. The building is also within the setting of other heritage assets, including the Grade I listed Shaftesbury Memorial, Grade II* listed Criterion Theatre and Grade II listed 18-20 Coventry Street. It is evident from all of the above that the appeal site is within an area rich in heritage.
8. The proposed shroud would depict a 1:1 rendering of the host building on its two most prominent elevations. It would also include two areas of advertisements which would be of a generous size and thus readily apparent across Piccadilly Circus and from various viewpoints along surrounding highways. Nevertheless, a significant portion of the 1:1 rendering of the building would remain evident. The advertisements would be a modest part of the overall installation and they would not totally overwhelm the remaining shroud area or significantly detract from the depiction of the host building.
9. I acknowledge that there are limited examples of high-level advertisements displayed on surrounding buildings, thus the grandeur of the built form in this location can largely be fully appreciated. This area around Piccadilly Circus is however heavily trafficked with a bustling atmosphere and variety of uses and associated signage, thus creating a strong commercial character.
10. The advertisements would primarily be read in connection with this lively character and would be subservient to the plethora of advertisements opposite, known as the Piccadilly Lights, which is one of the most striking features, if not somewhat of an anomaly, in this locality.
11. Moreover, the proposal is for a temporary period and the temporary nature of the advertisements would be evident to passers-by. The inclusion of the advertisements would facilitate the 1:1 depiction of the host building, which would remain a substantial part of the overall installation. This would ensure greater visual interest than conventional, plain screening during repair works to the host building, which would otherwise be bland and intrusive in this setting. It would assist in better revealing the host building's significance at a time when the building would otherwise make little contribution to the SCA.
12. My attention has been drawn to various other appeal decisions. Other than the appeal decisions, the information before me is very limited. I cannot therefore make a fully reasoned comparison to the appeal proposal. It nevertheless seems to me that none of the examples are directly comparable to the relationship which the appeal site has with Piccadilly Lights.

13. The Planning Practice Guidance notes that buildings which are being renovated or are undergoing major structural work and which have scaffolding or netting around them may be considered suitable as temporary sites for shroud advertisements or large 'wrap' advertisements covering the face, or part of the face, of the building. Given the above, I consider that the appeal site is one such suitable occasion.
14. Accordingly, the proposal would preserve the significance and setting of the heritage assets identified above and would not harm the visual amenity of the area. Although not decisive, it would accord with Policies 38, 39 and 43 of the City of Westminster City Plan 2019-2040 (April 2021) and the Framework which collectively seek to ensure that developments conserve and positively contribute to the townscape, streetscape and heritage assets of Westminster.

Conditions

15. In addition to the standard conditions set out in the Regulations, a further condition specifying the temporary period of consent, which reflects the time sought in the application, is necessary.
16. No concerns have been raised with regards to the level of illumination, thus I have conditioned this in accordance with the levels outlined in the application form. This is necessary in the interests of amenity.

Conclusion

17. For the reasons given above and having regard to all other matters raised, the appeal should be allowed.

H Ellison
INSPECTOR