
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: 13 April 2023

Appeal Ref: APP/X5990/Z/22/3307157

20 Cockspur Street, London SW1Y 5BL

- 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 Limited against the decision of City of Westminster Council.
 - The application Ref 22/04488/ADV, dated 5 July 2022, was refused by notice dated 28 July 2022.
 - The advertisement proposed is the display of 1 non-illuminated advertisement measuring 5m (height) x 4m (width) set within a 1:1 façade replication for a temporary period of 6months.
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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 standard conditions set out in the Regulations.

Application for costs

2. An application for costs was made by Infinity Outdoor Limited against the City of Westminster Council. This application is the subject of a separate Decision.

Procedural matter

3. Although the Council's report on the appeal scheme did not include any planning history, there was reference in the appendix to the costs response of the authority to a dismissed appeal in 2007 for a 'similar shroud advertisement.' Both parties were asked for a copy of this decision and any comments thereon. The appellant stated that they were content for the appeal to be decided on the basis of the submitted material, and the Council did not reply. I have determined this appeal based on its own merits and the submitted evidence

Main Issue

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

Reasons

5. The appeal premises are a Grade II Listed building, in Gothic style, on the corner of Cockspur Street and Warwick House Street, with the eastern facing

- elevation being set forward of the neighbouring property. It is situated between Trafalgar Square and Pall Mall, in the heart of the west end.
6. It is within the St James Conservation Area and close to the Trafalgar Square Conservation Area. There are a number of Grade II Listed Buildings in the vicinity (set out in the appellant's evidence and not contested) along with the Grade I Institute of Directors building in Pall Mall.
 7. The proposal is a shroud replicating the existing building during refurbishment works, for a limited period. A commercial advertisement (as set out above) would be located at first floor level on the elevation adjacent to Warwick House Street. There is no doubt that it would be readily visible in views westwards from Trafalgar Square.
 8. I agree with Council's statement that there are few, if any similar high level advertisements in the area. However, in this case the extent of the proposed commercial advertising is said to be around 7% of the total area of the shroud, and I do not consider this to be dominant in the context of the building or the area. Where the advertisement to be illuminated, this would add to the effect of the proposal, but that is not proposed.
 9. It is also important to consider what the alternative might be when building works are being undertaken. Although there is no certainty as to what might occur, it is evident that some form of enclosure would have to be erected on the scaffold so as to protect the public. I consider it likely, though not guaranteed, that this would be 'standard' mesh or similar. As a temporary expedient, the current proposal would be a significant improvement on this possibility in relation to the surrounding area and the building itself, and this is a factor weighing in favour of the proposal.
 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. Overall, the proposal would, at worst be neutral in its effect and would therefore preserve the conservation area and the other heritage assets. It would comply with the policies referenced above.
 12. There is another factor weighing in favour of the proposal. The appellant maintains that the appeal scheme is identical to a previous consent granted by the Council for a limited period in 2016 for the temporary display of an advertisement for a period of 6 months. I will deal with this matter in the associated costs claim, but I am clear that the scheme approved at that time clearly included a commercial advertisement of the same size as the current proposal. No reason for any changed approach has been given. It is important that there should be consistency in decision making, and this matter weighs in favour of the current proposal.

13. For the reasons given above I conclude that the display of the advertisement would not be detrimental to the interests of amenity.

P. J. G. Ware

Inspector

Condition

The advertisement permitted by this consent shall be removed from the site no later than 6 months from the date of this decision or until completion of the works, whichever is sooner.