



Appeal Decision

Site visit made on 27 March 2023

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023

Appeal Ref: APP/X5990/Z/22/3313937

7 Carlos Place, London W1K 3AR

- 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 Mr Belal Hamid (Jessica McCormack Ltd) against the decision of the City of Westminster Council.
 - The application Ref 22/03871/ADV, dated 12 June 2022, was refused by notice dated 16 November 2022.
 - The advertisement proposed is a non-illuminated flag measuring 2.8m high x 1.5m wide with the name of the occupier displayed.
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Decision

1. The appeal is allowed and express consent is granted for a non-illuminated flag measuring 2.8m high x 1.5m wide with the name of the occupier displayed as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Procedural Matters and Main Issues

2. The appeal property is located within the Mayfair Conservation Area (CA) and close to grade II listed buildings. Consequently, the statutory duties under sections 72(1) and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 apply.
3. The Council raises no concerns with regard to public safety. I have no reason to take a contrary view.
4. The reason for refusal refers to both the flagpole and the proposed flag. The information before me indicates that the flagpole forms part of the property and has existed for many years. In any event, express consent is solely sought for the flag.
5. The main issues are therefore the effect of the proposed flag on the amenity of the locality, whether it would preserve or enhance the character or appearance of the CA and its effect on the setting of the grade II listed building comprising 2-8 Carlos Place.

Reasons

6. The appeal property is a 4-storey building with a basement, accommodation within the roof and a shop unit on the ground floor. It is located within the Mayfair Conservation Area and forms part of an elegant grade II listed late-

Victorian, red brick building with a curved frontage. Carlos Place is a busy central London commercial street.

7. There is a flagpole that projects out above the entrance to the appeal property and there are similarly located flagpoles above the entrances to 3, 4, 5 and 8 Carlos Place. These flagpoles appear to have been in place for many years and the evidence before me indicates they have been used for their intended purpose for many years, namely to display flags. The Council has advised that these flags are unauthorised and an application for a flag at No.8 was refused in 2011.
8. The appeal proposal would comprise the installation of a 2.8m high by 1.5m wide flag on the flagpole. This would display the shop occupier's name as part of a colourful design reflecting the jewellery use of the shop. The size of the flag would be compatible with the size and location of the flagpole and the grand scale of the building to which it is attached. The use of a flag to advertise the shop use of the ground floor would be compatible with the commercial character of the street and would remove or reduce the need for forms of signage fixed directly to the listed building.
9. For these reasons I am satisfied that the installation of a flag to advertise the shop use would be appropriate in this particular location, would not harm the amenity of the area, would preserve the character and appearance of the CA and result in no material harm to the settings of the listed buildings.
10. The Council has referred to a dismissed appeal decision relating to a flag at 15 Carlos Place. My colleague's comments are noted, however, each application and appeal needs to be considered on its individual merits and there is no evidence before me that the case at No. 15 is directly comparable to the appeal proposal.
11. The Council has cited Policies 38, 39 and 43(G) of the City of Westminster City Plan 2019 - 2040 (2021) and Policy MD2 of the Mayfair Neighbourhood Plan (2019) in its reason for refusal and I have taken them into account as material considerations. However, the power to control advertisements under the regulations may be exercised only in the interests of public safety and amenity. Consequently, they have not, in themselves, been decisive in my determination.

Conclusion

12. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

S Poole

INSPECTOR