



Appeal Decision

Site visit made on 25 April 2023

by Peter Rose BA MRTPI DMS MCMI

an Inspector appointed by the Secretary of State

Decision date: 5 May 2023

Appeal Ref: APP/X5990/Z/23/3314586

14 Hinde Street, LONDON, W1U 3BG

- 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 River Island Ltd against the decision of the City of Westminster Council.
 - The application Ref: 22/06576/ADV, dated 29 September 2022, was refused by notice dated 28 November 2022.
 - The advertisement proposed is a non-illuminated black poster frame measuring 2.6m x 1.6m.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. I noted at my visit that a display not dissimilar to the appeal proposal was already in position. The Regulations make no provision for any retrospective express consent and I consider the appeal with reference to the proposed details as forming the basis of the Authority's original decision. That decision also refers to a single advertisement only as set out in the banner above and to no others.

Main issue

3. The control of advertisements is exercisable only with respect to public safety and amenity. The main issue is the effect the proposed scheme would have, if allowed, upon amenity only. Regulation 3 states that powers in this regard shall be exercised taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.

Reasons

4. The appeal site forms part of a large and imposing corner property in central London and which the Council describes as an unlisted building of merit. It lies within an area of mixed use and enjoys a setting of rich heritage value and interest. The building forms part of the Portman Estate Conservation Area, is in proximity to the Harley Street Conservation Area, and a varied collection of impressive listed buildings are also nearby. These include the Grade II listed Hinde Street Methodist Church, the accompanying Grade II Church House, and Grade II buildings at 11 and 13 Mandeville Place.
5. The listed buildings draw significance from, amongst many other important features, their wider settings. The significance of the surrounding Conservation Areas relates, amongst other things, to coherent blocks of historic terraced

buildings of consistent scale and elevational treatment. These are set invariably within carefully planned and ordered grid layouts of streets and squares. Both Hinde Street and Thayer Street are characteristic of that general townscape heritage.

6. The proposal would add further advertising to the existing ground floor displays of the various adjacent properties in Thayer Street. Much of Thayer Street's advertising comprises conventional displays set within shopfronts and facias, and of a form and extent broadly consistent with the corresponding elevation. These considerations help to ensure that the existing advertising makes for a relatively ordered and unobtrusive visual presence within the street-scene.
7. In contrast, the proposed display would not form part of either a shopfront or a fascia but would instead be set apart, extending towards the junction and displayed against a painted return frontage of the host building. Although a plain wall, this feature still contributes to the visual balance and integrity of the attractive host building, and is a discreet but significant part of its wider and prominent corner elevation.
8. The proposed display, by virtue of its size and discordant form and position, would appear as an incongruous addition to the frontage. In so doing, it would unduly extend advertising along this frontage and make for a cluttered and excessive contribution to the street-scene.
9. As such, the proposal would detract from the settings of nearby listed buildings, and would neither preserve nor enhance the character nor appearance of the Conservation Areas. It would thereby detract from the historic and accompanying visual significance of its surroundings contrary to relevant policies of both the City Plan¹ and the London Plan², and which seek to safeguard and promote such matters. Further, the Government's National Planning Policy Framework makes clear that heritage assets are an irreplaceable resource, and requires them to be conserved in a manner appropriate to their significance. The Framework also makes clear that the quality and character of places can suffer when advertisements are poorly sited and designed.
10. In summary, the proposal would involve an addition which would be harmful visually to both the appeal site and to the wider area, and which would also undermine appreciation and experience of the vicinity's rich historic legacy.

Conclusion

11. For the reasons given above, I conclude that the display of the advertisement would be detrimental to the interests of amenity.

Peter Rose
INSPECTOR

¹ City of Westminster City Plan 2019-2040 Adopted April 2021

² Mayor of London's The London Plan, The Spatial Development Strategy for Greater London March 2021