



Appeal Decision

Site visit made on 30 May 2023

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2023

Appeal Ref: APP/K5600/Z/22/3312545

274 Portobello Road, Kensington and Chelsea, London W10 5TE

- 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 Ms Laura Scholes against the decision of the Royal Borough of Kensington and Chelsea.
 - The application Ref CA/22/05986, dated 3 October 2022, was refused by notice dated 2 December 2022.
 - The advertisement proposed is a mural advertisement measuring 8.3 metres x 5.5 metres (non-illuminated).
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Decision

1. The appeal is allowed, and express consent is granted for a mural advertisement measuring 8.3 metres x 5.5 metres (non-illuminated), at 274 Portobello Road, Kensington and Chelsea, London W10 5TE, in accordance with the terms of the application Ref CA/22/05986, dated 3 October 2022, and the details submitted with it, for five years from the date of this consent and subject to the five standard conditions set out in the Regulations.

Preliminary Matters

2. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
3. The appeal site is described as a plain brick wall. However, at the time the site visit was carried out, the wall was painted with three coloured panels.

Main Issue

4. The Council has raised no objection in respect of public safety, and I observed nothing which would lead me to dispute this. Therefore, the main issue in this case is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

5. The appeal site is in the Portobello Road Special District Shopping Centre. It is a flank wall of a Victorian terrace that fronts this part of Portobello Road. Properties on this road generally have residential units at the upper floors and

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

commercial premises at street level. Although the built form is generally closeknit in this area, this flank wall overlooks a piazza used for street markets. This piazza, even on market days, provides a sense of space, near the appeal property, at the upper floor level.

6. Despite this space, the immediate vicinity of the flank wall is dominated by the elevated Westway flyover. The space under this large concrete structure hosts the Acklam Road Village Bar and food market, which at the time of the site visit, was enclosed by colourful panels. The space under the flyover, at the opposite corner to No 274 is also inhabited by a food market. The commercial premises, at this street corner, lead onto properties on the tree lined Cambridge Gardens to the west, and the other verdant features in that neighbouring road.
7. Although there are residential properties around the appeal site, with the features described above, the area has a distinct commercial character. The flyover and railway bridge creates a significant division from the southern section of Portobello Road. However, I saw that the largely independent and vibrant commercial character that attracts so many visitors to Portobello Road is clearly in evidence around the appeal property.
8. Advertising in the area is generally limited to non-digital, relatively small fascia signs above commercial premises. There are also examples of advertising banners and high-level signs denoting the food markets in the area. Although large advertisements are not a common feature in the area, there is a high-level, poster style advertisement on the end gable of a property in nearby Blagrove Road, which is visible in the street scene near the appeal property.
9. The proposal is for a large mural style advertisement. The advertisement would be painted on the upper floor level of the flank wall of the appeal property.
10. The flank wall of the appeal property is angled such that views of the proposed advertisement would principally be when emerging from under the flyover northwards on Portobello Road, in the piazza, and, from the premises that inhabit the space under the flyover.
11. The advertisement would be larger than most of the existing advertisements and signage in the area. However, the style of the proposed advertisement would be devoid of technical or digital effects. This low-tech form of advertising would be respectful of traditional forms of advertising, such as the printed banners or the painted shop signage that characterises this immediate area.
12. The mural style advertisement would be at a higher level than most signs in this area. However, while residential uses generally dominate the upper floors in the surrounding area, the appeal site is dominated by the commercial uses in the piazza on Acklam Road and the premises that occupy the space under the flyover. In this context, the individual quality of the proposed advertisement would contribute to the locally distinctive, independent and eclectic commercial character evident in the vicinity of the appeal site. Moreover, the mural style advertisement would harmonise with the graffiti artwork by Banksy, located on the lower part of the wall at the appeal property. In these regards the advertisement would appear a positive feature in this prominent location.

13. When considered in the wider streetscape, the oblique angle of the flank wall would ensure that the advertisement would not visually dominate the front facade of the appeal property, or the facades of the immediate neighbouring properties on this part of Portobello Road. For this reason, it would also not visually impinge on the Portobello Road street scene further north of the appeal site. Moreover, with the oblique angled wall, the advertisement would not harmfully disrupt the existing vistas of the verdant features along Cambridge Gardens. Even if this was not the case, as the proposed advertisement would complement existing signage and would add to the vibrant commercial character of the area, it would not appear a harmfully dominant addition in this streetscape.
14. Also, the advertisement would be painted directly on the wall and no dedicated lighting equipment for the advertisement is proposed. In this regard although the mural would add to the visual interest in the area it would not result in harmful clutter in this street scene .
15. The Council has raised concerns about the potential content of the proposed advertisement. The Regulations state unless it appears to be required in the interests of amenity or public safety, a consent for advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.
16. Given the importance of maintaining the distinct commercial character of this popular destination in Central London, content could be relevant in respect of visual amenity in this area. However, even if the advertisement was to contain corporate style commercial content, the non-illuminated, mural style of advertising proposed in this case, would ensure that the independent commercial aesthetic, important to the visual amenity of this area, is respected and in turn protected. A condition would not be necessary for this reason and this matter has not altered my findings.
17. The Council has drawn my attention to a scaffolding shroud advertisement at the appeal property that generated local objections. I have been provided with limited information and therefore I am unable to consider this matter in detail. However, the Council states that the hoarding was on the western façade of the appeal property. In any event, a shroud advertisement is distinctly different to the proposal before me.
18. The Council also highlighted a mural style advertisement which was refused consent at No 156. However, No 156 is a considerable distance from the appeal site. While it is an end of terrace property, it is not located near a flyover or a piazza. The site circumstances at that property are different to that at the appeal property, and that proposal is not directly comparable to this appeal. I attach limited weight to these matters for these reasons.
19. In light of the above, I find that the proposed advertisement would not have a harmful effect on the visual amenity of the area. Although not decisive, the proposal would be consistent with Policies CL1, CL2, CR4 and CL11 of the Royal Borough of Kensington and Chelsea Local Plan. These policies, amongst other matters, require that advertisements and signs are carefully controlled to avoid clutter to support the Council's aim of driving up the quality of the borough's streetscape. The proposal would also accord with the National Planning Policy Framework which seeks well-designed places.

Conclusion

20. For the reasons outlined above the appeal is allowed.

A J Sutton

INSPECTOR