



Appeal Decision

Site visit made on 14 July 2023

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2023

Appeal Ref: APP/X5990/Z/23/3318445

West End House, 91-92 Dean Street, London W1D 3SY

- 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 Blow Up Media UK Ltd against the decision of City of Westminster Council.
 - The application Ref 23/00592/ADV, dated 30 January 2023, was refused by notice dated 6 March 2023.
 - The development proposed is described as a temporary decorative scaffold shroud printed onto pvc comprising a 1:1 image of the building facade with an inset area for advertising measuring 9.2m x 6.5m for a period of 18 months during scaffolding and building works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council refused the application on amenity grounds only.
3. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a conservation area. This duty applies in advertisement appeals in so far as it relates to amenity.

Main Issue

4. The main issue is the effect of the advertisement on the amenity of the area, including the character and appearance of the Soho Conservation Area (SCA).

Reasons

5. The appeal site sits within the SCA and this part is characterised and derives its significance from a dense street pattern with narrow streets and multiple layers of history. Although this area is busy, the street pattern is important as it gives a reduced commercial appearance to the street.
6. It is proposed to install a decorative shroud depicting a 1:1 scale image of the building. Within that image would be an inset advertisement positioned in a landscape format facing directly onto Dean Street. The insert advertisement would be illuminated by means of external lighting.

7. I appreciate that buildings which have scaffolding around them are identified in the National Planning Policy Framework (the Framework) as potentially being suitable as temporary sites for shroud advertisements. However, the Framework also states at paragraph 136 that the quality and character of places can suffer when advertisements are poorly sited and designed.
8. During my site visit I noted that advertisements on commercial premises in the vicinity of the site were modest in terms of their size, scale and means of illumination. In this appeal the image of the building printed on the shroud would be appropriate as it replicates the appearance of the building for a temporary period.
9. However, the area of the shroud which would introduce an insert advertisement is of considerable size and elevated above ground level. The advertisement would be a dominant and overbearing commercial feature when viewed against the existing narrow street defined by more modest advertising features. This would be harmful to the amenity of the area.
10. I note the advertisement would be temporary and only present for the duration of the building works. This would limit the harm I have identified. However, in this case, the impact of the proposed advertisement would have a significantly harmful effect on the amenity of this area and its temporary nature would not outweigh its harm.
11. The advertisement would also be illuminated by external lighting therefore extending its visual presence into the hours of darkness. Whilst I understand that the appellant would be content for the illumination to be removed from the proposal, I have found that the advertisement would be harmful to amenity in this setting regardless.
12. While the proposed would screen a significant section of scaffolding and building activity, the harm I have identified from would be greater than any harm arising from the visual effects of scaffolding and building activity.
13. I have considered Policies 38, 39 and 43(G) of the Council's adopted City Plan 2019-2040 (2021) and Policy 1 of the Soho Neighbourhood Plan 2019-2040 (2012) insofar as they seek to protect amenity. Given I have concluded that the proposal would harm amenity, the proposal would conflict with these policies.

Conclusion

14. For these reasons, and taking into account all other matters raised, the appeal is dismissed.

N Praine

INSPECTOR