



Appeal Decision

Site visit made on 15 August 2023

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2023

Appeal Ref: APP/X5990/Z/23/3321096

28-32 Westbourne Grove, London W2 5RH

- 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 Cafe Italia against the decision of the City of Westminster Council.
- The application Ref 22/08332/ADV, dated 8 December 2022, was refused by notice dated 2 March 2023.
- The advertisement proposed is 2 no. halo illuminated fascia lettering signs, one to be installed onto the Westbourne Grove elevation (south), and the other to be installed onto the Newton Road elevation (west); 2 no. internally illuminated projecting signs, one to be installed onto the Westbourne Grove elevation (south), and the other to be installed onto the Newton Road elevation (west).

Decision

1. The appeal is allowed and express consent is granted for the display of the 2 no. halo illuminated fascia lettering signs, one to be installed onto the Westbourne Grove elevation (south), and the other to be installed onto the Newton Road elevation (west); 2 no. internally illuminated projecting signs, one to be installed onto the Westbourne Grove elevation (south), and the other to be installed onto the Newton Road elevation (west) 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.

Preliminary Matters

2. The Council has drawn my attention to Development Plan policies which they consider relevant to this appeal. However, powers under the Regulations¹ to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework 2023 (the Framework) and the Planning Practice Guidance (PPG) reiterate this approach. I have therefore taken them into account insofar as they are relevant to those matters. In addition, the signage was in situ at the time of my site visit. I have dealt with the appeal accordingly.

Main Issue

3. The Council does not object to the proposals on public safety grounds. There is no compelling reason for me to disagree. The main issue is therefore the effect of the proposed advertisements on the visual amenity of the area, with specific regard to the Westbourne Conservation Area (CA).

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

Reasons

4. The host property is a prominent two storey building, in mixed commercial and residential use, within an established commercial area located on the corner of Westbourne Grove and Newton Street. The significance of the CA is derived from its mixed use residential and commercial buildings which are generally large in their scale, close to the road and have decorative traditional period features to the upper floors in the shape of, amongst other things, strong repetitive rhythms to the fenestration. The appeal building itself has a visually distinct and noticeably more modern ground floor with upper floor architectural features which appear unique in the immediate street scene.
5. Whilst amenity is not defined exhaustively within the Regulations, it does indicate that relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. The PPG explains that in assessing amenity, local characteristics should be considered. Such as if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, it should be considered whether the advertisement is in scale keeping with these features.
6. The size of the signs and method of illumination, given the scale of the host building would be in keeping with the commercial use of the area. Whilst they are internally illuminated, the halo lighting would be obscured by the text of the sign so would be appropriate to the area and more of a recessive than obviously feature. The projecting signs, whilst they are relatively wide, would not appear out of scale with the building and the noticeable distinction of the upper floors architecturally. They are also similar in size and method of illumination to other signage within the street scene. Although one fascia sign and projection sign would face Newton Street, which is a predominantly residential street, they would still be viewed by users of Westbourne Grove and would not harm the visual amenity of the residents.
7. Accordingly, the illuminated fascia signs and projecting signs would not result in unacceptable harm to the visual amenity of the area and would preserve the character and appearance of the CA. As such, they would not conflict with guidance in the Framework and Policies 38,39 and 43(G) of the City Plan 2019-2040 (2021) which, as far as they are material to the main issue, collectively seek to ensure proposals preserve or enhance designated heritage assets including their setting and positively contribute to the public realm and visual amenity of the area.

Conditions

8. The Council have suggested that the 5 standard conditions as set out in Schedule 2 of the 2007 Regulations are appropriate. I have no reason to disagree and have duly referred to them above.

Conclusion

9. For the reasons given above, the appeal should be allowed. Subject to the conditions stated.

H Senior INSPECTOR