



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/23/3318505

16-17 Hay Hill, London W1J 8NY

- 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 Mira Foods International (UK) Limited against the decision of the City of Westminster Council.
 - The application Ref 23/01221/ADV, dated 24 February 2023, was refused by notice dated 9 March 2023.
 - The advertisement proposed is 2no. non-illuminated flag banners with text (H2665mm x W1400mm).
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Decision

1. The appeal is dismissed.

Preliminary Matter

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.

Main Issue

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

Reasons

4. The host property is a prominent building within an established commercial area located on Hay Hill. It is a large building that occupies the full length of Hay Hill with the upper floors in residential use and the lower floor in a mix of commercial uses. It is constructed from red brick, with brick faced high arched windows to the ground floor. The significance of the CA is derived from the pattern of streets and squares and substantial buildings with a mix of ages and uses. In this context, the host building makes a positive contribution to the CA.
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

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

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. Even though there are commercial uses along Hay Hill, there are few advertisements or signage. Flags are present on other streets within the vicinity, however there are no other examples on Hay Hill. The proposed flags would introduce an element of visual clutter to the street scene being particularly prominent in views along the street, which are otherwise open and free of clutter, particularly when viewed from Dover Street, a factor which contributes positively to the character and appearance. Their position on the building, above the white horizontal banding, would also disrupt the horizontal emphasis of the building harming its overall quality within the CA. They would also be higher than other signage and as such would not be of an appropriate scale, adding to their prominence.
7. Taking the above into consideration, the proposal would fail to preserve or enhance the character or appearance of the CA. This would, given the scale of the proposals in context, be less than substantial. In these circumstances paragraph 202 of the Framework states that the harm should be weighed against the public benefits of the proposal. The signage would benefit the restaurant in attracting customers, which in turn would benefit the local economy. The scale of this would be limited in terms of the wider economy so this attracts limited weight in support of the scheme and does not outweigh the identified harm to the CA which carries great weight.
8. Accordingly, the proposals would conflict with guidance in the Framework and Policies 38,39 and 43(G) of the City of Westminster City Plan 2019-2040 (2021) which, insofar 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.

Other Matter

9. Although there were no objections from statutory consultees to the proposal, the Framework requires that development creates places that provide a high standard of amenity for both existing and future users and add to the overall quality of the area. The harm that I have identified exists irrespective of whether or not objections have been received.

Conclusion

10. For the reasons given above, the appeal should not succeed.

H Senior

INSPECTOR