



Appeal Decision

Site visit made on 23 November 2023

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/K5600/Z/23/3330095
315 Brompton Rd, London SW3 2DY

- 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 Tribeca Holdings against the decision of the Council of the Royal London Borough of Kensington and Chelsea.
 - The application Ref CA/23/04941, dated 26 July 2023, was refused by notice dated 20 September 2023.
 - The development proposed is described on the application form as an “advertising banner measuring 4 x 6.5 metres surrounded by vertical gardens made of sustainable plants”.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal property is located close to the grade II listed Michelin House. Consequently, the statutory duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies.

Main Issue

3. The Council does not raise any concerns in respect of public safety, and I have no reason to take a contrary view. The main issue is therefore the effect of the proposal on the amenity of the locality and on the setting of the grade II listed Michelin House.

Reasons

4. The appeal property is a 3-storey building situated next to the junction between Brompton Road and Draycott Avenue. It comprises a retail unit on the ground floor with residential use above and forms part of a bustling mixed-use area. Due to its corner location the building is highly conspicuous in views looking north along Brompton Road and from these viewpoints it forms part of the setting of, the grade II listed Michelin House, which is a notable landmark due to its unique appearance and its prominent siting on an exposed corner.
5. The upper floors of the property comprise brick walls to either side of bay windows. The proposal would comprise the installation of a living wall on these brick surfaces together with a 4m wide by 6.5m tall “non-PVC” static advertising banner within the largest part of the wall, which would cover a

large proportion of the planted wall. The banner would be externally illuminated by spotlights mounted above and the appellant indicates that the advertisements would be likely to change fortnightly.

6. Whilst the appeal site is within a busy area comprising commercial uses and the buildings vary greatly in terms of their age, style and size, the proposal would, due to its size, siting and appearance, be an overly prominent and incongruous addition to the street scene that would have an unacceptable effect on the area's visual amenity.
7. The proposal would form a backdrop to views of Michelin House looking along Brompton Road. Due to its size, siting and appearance I consider that the visual relationship between the 2 buildings would have an unacceptable effect on the setting of Michelin House.
8. The Council has cited policies CL4, CL11 and CR4 of the Royal Borough of Kensington and Chelsea Local Plan (2019) in its reason for refusal and I have taken them into account as material considerations. However, the power to control advertisements under the regulations may be exercised only in the interests of public safety and amenity. Consequently, they have not, in themselves, been decisive in my determination.

Conclusion

9. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR