



Appeal Decision

Site visit made on 10 October 2023 by N Manley BA (Hons)

Decision by S Edwards MA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2023

Appeal Ref: APP/X5990/Z/23/3323665

318 Oxford Street, City of Westminster, London W1C 1HF

- 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 Infinity Outdoor Ltd against the decision of the City of Westminster Council.
- The application Ref 23/00847/ADV, dated 7 February 2023, was refused by notice dated 10 May 2023.
- The development proposed is for a temporary display of replica façade building wrap to the south elevation incorporating non-illuminated static advertisement measuring 4.8m X 22m (landscape) for a period of 24 months.

Decision

1. The appeal is allowed and express consent is granted for “Temporary display of replica façade building wrap to the south elevation incorporating non-illuminated static advertisement measuring 4.8m X 22m (landscape) for a period of 24 months” as applied for. The consent is for 24 months from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:

1) The express consent hereby granted shall be for a period of 2 years from the date of this decision.

2) The advertisement hereby granted consent shall be removed at the end of the period specified in Condition 1.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Application for costs

3. An application for costs was made by Infinity Outdoor Ltd against the City of Westminster Council. This application is the subject of a separate decision.

Preliminary Matters

4. The Government published a revised version of the National Planning Policy Framework (Framework) on 19 December 2023. Whilst I have had regard to the revised national policy as a relevant factor, in this instance, the issues most relevant to this advertisement appeal remain unaffected by the revisions to the

Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

5. The description of the proposal on the application form refers to a 'non-illuminated static advertisement'. Whilst paragraph 2.4 of the Appeal Statement refers to a static externally illuminated image, I have been presented with no evidence that this is what was considered by the council in their determination of the application. In addition, the appeal process should not be used to evolve a scheme. My findings therefore relate to the proposal as described on the application form and as determined by the council.
6. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors. In this instance, no objection has been raised by the council or other interested party in relation to public safety. Having regard to the presented evidence and my observations on site, I have no reason to reach an alternative view and confirm that the proposal would cause no harm to public safety.
7. The appeal site is situated in the Harley Street Conservation Area (HSCA) and within the setting of the Mayfair Conservation Area (MCA). I shall therefore have special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issue

8. The main issue is the effect of the proposed advertisement on the amenity of the area.

Reasons for the Recommendation

9. The Planning Practice Guidance sets out that in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement, and the local characteristics of the neighbourhood should always be considered. The Framework sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.
10. As noted in the Conservation Area Audit for Harley Street (Adopted by the council in 2008), this area is today characterised by its tight-knit network of terraced townhouses, most set in regular grid street layout. Although the area retains a predominantly residential character, the redevelopment with large purpose-built department stores along Oxford Street has significantly altered the original layout. Insofar as it relates to this appeal, I find that the special interest of the HSCA is primarily defined by its central grid street layout with largely Georgian townscape, contrasting with the more informal and commercial atmosphere of Marylebone High Street and the Oxford Street frontages.
11. The neighbouring MCA exhibits an informal blend of buildings differing in type and use, boasting rich architectural detailing. It features a well-structured street layout that imparts a unique townscape and a cohesive rhythm to the streets. Towards the appeal site the streets are narrower compared to the

- broader Oxford Street but retain a similar commercial nature, primarily hosting retail uses on the ground floor.
12. The appeal site, situated at the southern peninsula tip of the HSCA, stands out from the HSCA and MCA due to its distinctive characteristics. Oxford Street is a wide, bustling highway with a lively commercial ambiance and various retail establishments, in contrast to the narrower, quieter streets within the HSCA and MCA.
 13. The building itself was constructed as a purpose-built department store and is currently undergoing renovation. During my site visit I was unable to observe the building itself, which was screened by a scaffold shroud. However, the HSCA Appraisal describes it as modernist in style and identifies it as an unlisted building of merit. Having regard to the available evidence, I consider that it is a building which contributes positively to the significance of the HSCA and the setting of the MCA.
 14. The proposal is for a temporary static, externally non-illuminated advertisement. It would be incorporated into a scaffold shroud designed to mimic the building's exterior and placed centrally on the building at a relatively low first-floor level. These advertisements would be small in comparison to the host building, occupying a small portion of the shroud, where the replica of the façade would stand out as the primary feature. Consequently, the visibility of the advertisement would be mostly confined to the immediate vicinity of the site, reflecting the commercial nature of the surrounding area without appearing overly dominant.
 15. The shroud has to be in place through the duration of the building works. Therefore, it is considered that the envisioned representation of the building's façade on the shroud would enhance the current situation, resulting in a more visually appealing appearance when observed from the street, the HSCA and the MCA, thus minimizing any potential harm caused by the advertisement.
 16. I have had regard to several dismissed appeals for similar proposals in the nearby area. Nevertheless, I conclude that these instances are not directly comparable to the appeal proposal due to differences in the respective advertisement's sizes, placements in relation to the host building, and their impact on the immediate townscape. Accordingly, the circumstances of these other appeals do not represent a direct parallel to the appeal proposal and I have therefore afforded them limited weight.
 17. For the above reasons, the temporary advertisement would preserve the character and appearance of the HSCA as a whole, would not adversely affect the significance of the MCA, as derived from its setting, and would cause no harm to the amenity of the area. I have taken into account Policy 43(G) of the City Plan 2019 – 2040 (Adopted April 2021) (the City Plan), which requires advertisements to be sensitively designed in terms of size, location and the impact on the building on which they are displayed, local context and wider townscape. As the proposed advertisement would cause no harm to amenity, I find no conflict with this policy.
 18. I have also had regard to Policies 38 and 39 of the City Plan, but these relate to development. Advertisements are not development in planning terms and these policies are therefore not directly relevant to the appeal scheme. In any event, given that the proposed advertisement would not harm amenity and

preserve the significance of designated heritage assets, there would be no conflict with these policies.

Conditions

19. In addition to the five standard conditions, I consider that it is necessary to add conditions to limit the duration of consent. The council have requested a condition that would require removal of the advertisement by 1st March 2025, after which it must be removed without delay. However, I do not see any justification for limiting the duration of the consent further than the 24 months sought by the appellant.

Conclusion and Recommendation

20. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

N Manley

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and my representative's recommendation. The proposed advertisement would be temporary in construction and nature. The impact of the proposal on the street scene would be minimal and the significance of the conservation areas as a whole would be preserved. The temporary advertisement would not harm amenity and on that basis the appeal is allowed.

S Edwards

INSPECTOR