



Appeal Decision

Site visit made on 6 December 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 January 2024

Appeal Ref: APP/X5990/Z/23/3327266

Sandringham Flats, Charing Cross Road, London WC2H 0BJ

- 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 23/04881/ADV, dated 17 July 2023, was refused by notice dated 2 August 2023.
 - The advertisement proposed is a printed decorative scaffold shroud comprising a 1:1 building image with an inset advertising area measuring 19 x 8.5 metres.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. For the banner heading above, I have taken the appeal site address from the appellant's appeal form as it more accurately describes the site's location. This address coincides with the address used by the Council. Therefore, I am satisfied that no injustice would be caused to any party.

Main Issue

3. The main issue is the effect of the proposed advertisement on the visual amenity of the surrounding area.

Reasons

4. The appeal relates to a substantial building fronting Charing Cross Road, within a vibrant area of London, close to Leicester Square, and situated within the Covent Garden Conservation Area. The opposite side of Charing Cross Road to the appeal site is included within the adjacent Chinatown Conservation Area. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act), requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
5. The proposed advertising area would cover a relatively small proportion of a larger scaffold shroud to the building, which would display a 1:1 scale image of the building. However, at a size of some 19 metres x 8.5 metres, the proposed advertising area, which would display commercial adverts, would nonetheless be relatively large and would occupy an elevated position on the façade of the building. As such, the proposed advertising area would be highly visible, particularly from the road and pavements.

6. Commercial uses and advertisements are common in the area around the appeal site. They generally occupy the ground floors of the relatively tall and often attractive period buildings that front onto the roads. Despite the abundance of commercial uses and associated advertisements, there is a relative absence of large advertisements set at a comparably high level on buildings in the area of the appeal site. The high-level advertisements that are visible in the wider area are generally limited to those on Theatre buildings, which the Council advises are a long standing exception to its stance on high level advertising in the area. Based on my observations I see no reasons to disagree, and the appeal building is not a Theatre. As such, this exception is not relevant to the appeal proposal.
7. Given the alignment of the proposed advertising area relative to Charing Cross Road, it would not be especially prominent in longer distance views looking along the road. However, in short and medium distance views from within the Covent Garden Conservation Area and from the adjacent Chinatown Conservation Area, the size, height and prominence of proposed advertising area would be highly dominant. Seen in the context of the relative absence of high-level advertisements on buildings in the area, the proposed advertising area would be an incongruous feature. Furthermore, it would draw the eye away from the imagery of the building on the proposed shroud and thus would reduce its effectiveness as a device for enhancing the appearance of the scaffold.
8. Consequently, the proposed advertising area would have a harmful effect on visual amenity. This would be exacerbated by the proposed optional external illumination during the hours of darkness. Although temporary and reversible, the harm to amenity would nonetheless persist for the duration of the display of advertisements on the proposed advertising area.
9. There is no dispute that the 1:1 scale imagery of the building on the proposed shroud would enhance the appearance of the scaffolding for the duration of the proposed window replacement works. I see no reason to disagree on this point. However, the beneficial effects of the proposed shroud, which would be funded by the proposed advertising area, would not outweigh the harm caused by the proposed advertisement. Furthermore, at the time of my site visit, the main elevation of the appeal building appeared to be fully scaffolded and fitted with dark coloured debris mesh, which was not particularly strident in public views of the building. In this context, and for the above reasons, the proposed advertising area would be more harmful to visual amenity than the scaffold mesh I observed.
10. I have had regard to the Planning Practice Guidance¹, which advises that: "Buildings which are being renovated or are undergoing major structural work and which have scaffolding or netting around them may be considered suitable as temporary sites for shroud advertisements or large 'wrap' advertisements covering the face, or part of the face, of the building." However, for the reasons given above, the proposed advertising area would harm visual amenity and this guidance would not outweigh the harm I have identified.
11. For these reasons, I conclude that the proposed advertising area would have a harmful effect on the visual amenity of the surrounding area. In having regard to my duty under the Act, it would fail to preserve (leave unharmed) or

¹ Paragraph: 005 Reference ID: 18b-005-20140306

enhance the character or appearance of the Convent Garden Conservation Area.

12. I have taken account of Policies 38, 39 and 43 of the City of Westminster: City Plan 2019-2041, Adopted April 2021, which seek to ensure that heritage assets and their settings are conserved, local context is responded to positively and signs and advertisements make a positive contribution to amenity. As these policies seek to protect amenity, they are a material consideration in this case. Given that I have concluded that the proposal would harm amenity, the proposal conflicts with these policies.

Conclusion

13. For the above reasons, and in taking all other matters raised into consideration, I conclude that the appeal should be dismissed.

G Sylvester

INSPECTOR