



Appeal Decision

Site visit made on 12 April 2024

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2024

Appeal Ref: APP/X5990/W/23/3333136

3-5 (Basement) Bateman Street, City of Westminster, London W1D 4AG

- 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 Mrs Emirsultan Mahmoud against the decision of the City of Westminster Council.
 - The application Ref 23/06488/ADV, dated 22 August 2023, was refused by notice dated 25 October 2023.
 - The advertisement is an illuminated fascia sign.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Subsequent to the decision made by the Council on the application to which this appeal relates, the National Planning Policy Framework has been revised. I have therefore made my decision with regard to the National Planning Framework (December 2023) (the Framework).
3. The advertisement sign has been installed, the application is therefore retrospective, and I have considered the appeal accordingly.

Main Issue

4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) sets out that powers under those Regulations shall be exercised only 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.
5. From my reading of the material submitted for the purposes of this appeal the main issue is the effect of the proposal on the appearance of the appeal building and the character and appearance of the Soho Conservation Area (the CA).

Reasons

6. The appeal site is a plain 5 storey brick faced building on Bateman Street. The appeal unit forms part of a retail frontage within the CA, the significance of which rests in its contribution as one of the most well-known townscapes in London, which has an extremely dense, urban and vibrant character.

7. This part of the CA was developed from the late 17th and through the 18th Century to a regular orthogonal plan and retains important elements of some of early development. This all results in a cohesive townscape, despite a variety of architectural expressions and uses evident in the area.
8. In line with the duty imposed on me by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the CA.
9. The appeal advertisement is an internally illuminated neon type sign contained within a frameless glazed box measuring approximately 95cm X 95cm, although the illumination of the sign was not apparent at the time of my late morning site visit. The appeal advertisement is positioned above the shopfront and is attached to the brick façade of the appeal building, below the first floor windows. It is noted that a projecting sign is also associated with the appeal unit, this was the subject of a separate approved application for advertisement consent¹.
10. Being located above the shop front of the appeal unit and fixed to the brick façade at first floor level, the appeal advertisement is not within the area visually associated with the appeal unit. Due to its size, shape and positioning, this results in the appeal advertisement appearing as a discordant addition to the plain brick face of the appeal building, above its shopfront zone. This would be further exacerbated at night due to the internally illuminated nature of the appeal advertisement.
11. Whilst the shop front zone of buildings in the street does vary in height, the position of the appeal advertisement, being outside of this zone, results in the front elevation of the appeal building appearing incongruous within the context of the otherwise cohesive streetscape of Bateman Street. As such the appeal advertisement does not reflect the significance of the CA, to which the cohesive streetscape of the area contributes.
12. For these reasons, I find that appeal advertisement results in significant harm to the character and appearance of the appeal building and fails to preserve or enhance the character and appearance of the CA. This does not accord with guidance for shopfronts and advertisements set out in the City of Westminster Shopfronts, Blinds and Signs- A Guide to Their Design Supplementary Planning Document (2004) and is contrary to Policies 38,39 and 43(g) of the City Plan 2019-2040 (2021), Policies D8 and HC1 of the London Plan (2021) and Paragraph 141 and Section 16 of the Framework. These collectively seek to ensure the quality and character of buildings and places and that advertisements have regard to the local context and character of an area and its visual amenity, preserving or enhancing the appearance or character of conservation areas.

Planning Balance and Conclusion

13. The appeal advertisement does result in the benefit of announcing the appellants business to potential customers. However, the size, form and positioning of the appeal size is not the only way that this could be achieved, evidenced by the presence of the separately approved projecting sign.

¹ Planning Ref: 23/05824/ADV

14. Set against the substantial harm to the character and appearance of the appeal building and the less than substantial harm to the character and appearance of the CA that I have identified above, I do not find that the benefits of the proposal outweigh this harm. Dismissing the appeal is a proportionate response in this instance.

Victor Callister

INSPECTOR