



Appeal Decision

Site visit made on 30 July 2024

by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 5th August 2024

Appeal Ref: APP/X5990/Z/24/3344768

Grosvenor Gardens House, Grosvenor Gardens, London SW1W 0BS

- 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 City of Westminster Council.
 - The application Ref 24/01102/ADV, dated 20 February 2024, was refused by notice dated 3 April 2024.
 - The advertisement proposed is described as '*Display of temporary scaffold shroud with non-illuminated static advertisement inset measuring 12.5m (Height) x 14.9m (Width) for a period of 9 months on the eastern facing elevation of Grosvenor Gardens House, Grosvenor Gardens, Westminster, London, SW1W 0BS.*'
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Decision

1. The appeal is allowed and express consent is granted for the display of the temporary scaffold shroud with non-illuminated static advertisement inset measuring 12.5m (Height) x 14.9m (Width) for a period of 9 months on the eastern facing elevation of Grosvenor Gardens House, Grosvenor Gardens, Westminster, London, SW1W 0BS, as applied for. The consent is for nine 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:

(vi) *The temporary scaffold shroud and non-illuminated static advertisement inset shall be installed and removed concurrently.*

Main Issues

2. Regulation 3(1) of *The Town and Country Planning (Control of Advertisements) (England) Regulations 2007* (as amended), Paragraph 141 of the *National Planning Policy Framework* (the Framework), and the national Planning Practice Guidance¹ (the Guidance), set out clearly that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
3. The main issues in this case are, therefore, the effect of the advertisement with specific regard to amenity and public safety.

Reasons

4. The proposal seeks the temporary display of a scaffold shroud and non-illuminated static advertisement inset for a period of nine months. I saw at the

¹ Planning Practice Guidance, Paragraph: 026 Reference ID: 18b-026-20140306 Revision date: 06 03 2014
[Advertisements - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/advertisements)

time of my site inspection that there was scaffolding around the appeal building, and the scaffold shroud was plain. At that time, I saw that it would be difficult for many observers to appreciate, experience, or even see much of the architectural interest of what is a Grade II listed building located within the Grosvenor Conservation Area.

5. In this respect, I concur with what appears to be the agreed position between the main parties in terms of the use of a 1:1 rendering of the building for the shroud. This type of scaffold shroud is becoming commonplace for heritage buildings, so that during periods of repair or construction visitors to the area can appreciate what the building looks like and how it positively contributes to amenity.
6. The issue in this case revolves around the non-illuminated static inset. According to the Appellant this would represent around 15% of the elevation it would be placed upon. The Council is concerned that the size of the proposed advertisement would dominate the view within the conservation area and be highly contrasting given that advertisements within the local area are typically located no higher than ground floor level. This creates a relatively uncluttered appearance to buildings; whereby commercial signage is normally absent at high levels. Such observations accord with what I saw during my site inspection.
7. At the same time, scaffolding is normally a temporary feature. I note the Council's comments in terms of the scaffolding having been in place for around 3 years (since 2021), but my remit here is to consider the appeal in relation to advertisement consent for an advert and 1:1 shroud which have not been erected/installed. Both the inset and 1:1 shroud are proposed to be temporary. To that end, the advertisement inset could reasonably be conditioned so that it is removed within 9 months of this decision as sought by the Appellant.
8. Whilst I note the size and overall dimensions of the inset, it would only represent a small part of the overall elevation. Furthermore, it would not be illuminated nor would it involve any moving images. In this respect, its impact in amenity terms would be much reduced; where visitors would see the 1:1 scaffolding shroud with a relatively small advertisement inset panel.
9. The lack of movement and illumination will minimise its impact on amenity and public safety. A condition could be used to ensure that the 1:1 shroud is installed concurrently with any advertisement inset so that the amenity benefits of the shroud can be achieved.
10. On balance, taking into account the concurrent 1:1 scaffold shroud and advertisement inset, the temporary nature of the proposal, and the non-illuminated/non-moving nature of the proposal, I find that it would, at the very least, preserve the character and appearance of the Grosvenor Conservation Area.
11. My attention is drawn in the Officer's Report to other appeal decisions, where Inspectors refused consent for advertisements. I have not been provided with the full details of those cases. However, from the details provided in the Report, it appears as though many of those examples related to illuminated advertisements or the advertisement insets that were of differing sizes or ratios in comparison to the scaffold shroud to that in this case. They do not,

therefore, indicate that the proposal before me should necessarily be determined in a like-for-like manner. I have considered this appeal on the basis of the evidence before me.

12. The Regulations set out five standard conditions, which should be imposed. Given the proposal seeks a non-illuminated static advertisement, it is not necessary to impose an additional condition seeking such. It is, however, necessary and reasonable to require the shroud and advertisement inset to be installed and removed at the same time to ensure the maximum visual benefits from the proposal.

Conclusion

13. For the reasons given above I conclude that the display of the advertisement would not be detrimental to the interests of amenity and public safety. The appeal is therefore allowed and consent granted, subject to the standard five conditions and one additional condition, for a period of nine months.

C Parker

INSPECTOR