



Appeal Decision

Site visit made on 26 July 2024 by R Dickson BSc (Hons) MSc MRTPI

Decision by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2024

Appeal Ref: APP/X5990/Z/24/3345276

Sanctuary House, 33 Tothill Street, City of Westminster, London SW1H 9LA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Rebecca Lawrence of Fuller, Smith and Turner PLC against the decision of the City of Westminster Council.
 - The application Ref is 24/01333/ADV.
 - The advertisement proposed is for 2 x A Boards outside the front of the premises.
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Decision

1. The appeal is dismissed.

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.

Preliminary Matter

3. The description of development differed from the application form to the decision notice. For clarity I have used the original description above, as it appeared on the application form, and omitted superfluous words.
4. The Council has referenced policies it considers to be relevant to this appeal and I have taken these into account as a material consideration. However, powers under the Town and Country Planning (Control of Advertisements) Regulations 2007 (The Regulations) to control advertisements, may only be exercised in the interests of visual amenity and public safety, taking account of any material factors. Consequently, the Council's policies have not by themselves been decisive in my determination.

Main Issues

5. Paragraph 141 of the Framework states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The main issues are the effect of the proposal on visual amenity, with particular regard to the character and appearance of the Broadway and Christchurch Gardens Conservation Area (CA); and on public safety.

Reasons for the Recommendation

Visual Amenity

6. The site is located on a Tothill Street, a main thoroughfare between the nearby underground station, and the centre of Westminster, and is an historical route. The street draws an important view of Westminster Abbey, which is identified in the Broadway and Christchurch Gardens Conservation Area Audit (BCGCAA), and forms part of the significance of the CA. The Appraisal also deals specifically with advertisements within the CA. This identifies that the variety of small shops in the area is a vital part of the character of the CA. It also remarks that not all have signs that have been sympathetically detailed.
7. The site forms the context for important views of the CA, and beyond. The proposed advertisements would be seen in the same context as the view of Westminster Abbey, and would add street clutter, which is not a common feature on Tothill Street. The increase of on-street advertisements, resulting from this proposal, would add unwelcome clutter to the street. The effect of the signage would be to erode the important view identified in the BCGCAA of Westminster Abbey, which would ultimately harm, albeit by an incrementally small extent, the significance of the CA.
8. Consequently, the proposed advertisements would therefore have a harmful effect on the visual amenity of the area. As such, the proposal would fail to meet paragraphs 135 and 141 of the Framework, which require development to be sympathetic to the local area and for a decision maker to consider its effect on amenity. I have taken into account Policies 39 and 43 of the City Plan 2019-2040 (Local Plan), which seek to preserve and enhance Westminster's CAs with a focus on creating a positive public realm. I have also taken into consideration advice provided in the Westminster Way – Public realm strategy guidance [2011]. Given that I have concluded that the proposal would harm visual amenity, the proposal would also conflict with these policies.

Public Safety

9. Tothill Street is a main transit route between the nearby underground station and the centre of Westminster and is therefore busy with high pedestrian footfall. The pavement in this area is relatively free of street furniture, which helps the safe free flow of pedestrians in both directions. The proposed advertisement would introduce an obstacle, reducing the width of the footpath in this area, hampering the flow of pedestrians and could pose a risk to pedestrian safety who may need to step into the carriageway to avoid oncoming pedestrians at busy periods. The footpath in this area is not particularly wide, and the presence of two A boards would restrict the width even further.
10. Accordingly, the proposed advertisement would be harmful to public safety in conflict with the Framework. Policies 25 and 43 of the Local Plan have been considered. They collectively seek to ensure a safe public realm that prioritises and improves the pedestrian environment. As I have concluded that the proposal would harm public safety, the proposal would also conflict with these policies.

Other Matters

11. I acknowledge that advertisements such as those proposed can help to draw business. However, the harms identified outweigh the identified benefits of the advertisement, particularly in the absence of substantive evidence of their benefit. In any case, considerations of advertisement consent are purely focussed on matters associated with visual amenity and public safety.
12. There are other examples of similar low-level free-standing advertisements similar to that proposed within the CA. However, these are not seen within the same context as the proposed, and do not have the same backdrop of the view of Westminster Abbey. In addition, during my site visit it was clear that they were situated in areas where the pavement is wider than it is outside Sanctuary House, and therefore are seen in a different context. Notwithstanding, I have not been provided with details of the other examples, and I cannot be sure that they have permission to be in place. Therefore, this matter has not been decisive in this case.

Conclusion and Recommendation

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

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Ben Plenty

INSPECTOR