



Appeal Decision

Site visit made on 29 August 2024

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2024

Appeal Ref: APP/X5990/Z/24/3347183

46 Chippenham Road, London W9 2AF

- 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 Mr Ajay Walia against the decision of the City of Westminster Council.
 - The application Ref is 24/02247/ADV.
 - The advertisements proposed are for the display of four internally illuminated projecting signs measuring 45cm x 45cm.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form details that express consent was sought for two types of advertisement to this building. These consisted of the four internally illuminated projecting signs and five vertical panel lights measuring 140cm by 4.5cm. Advertisement consent was refused for both proposals, each with a separate reason for refusal. At that stage, the appellant did not raise the issue as to whether the panel lights were or were not an advertisement and, therefore, it was appropriate and reasonable for the Council to determine the proposal as submitted.
3. At the appeal stage, the appellant has argued that the five panel lights do not constitute an advertisement and that they should not form part of the appeal. In accordance with the findings set out in *Thomas v NAW & Neath Port Talbot* [2009] EWHC 1734 (Admin) I consider that I have jurisdiction to determine this matter. I have sought the views of the Council and have taken into account its comments on this issue.
4. The panel lights are fixed to five of the building's pilasters which separate some of the main windows. They are black strips which are raised from the wall surface with an opaque border. This opaque border sheds light through it such that this internal illumination casts light which provides a glow around the raised strip. The manufacturing details that accompanied the application describe these features as linear outdoor wall lights and the associated photograph appears to show them in a residential situation as a means of general lighting.
5. As these lights are in place, I was able to see at my site visit that there is no wording, sign or emblem on the panel lights themselves and the lighting does not illuminate any adjoining lettering or signage that could reasonably be seen

as related to it and forming some form of advertisement. The lighting simply illuminates the immediately adjoining part of the building and the lighting fixtures have not been adapted, designed or used in a way other than as a lighting fixture. Effectively, this element of the works constitutes five lighting fixtures added to the sides of the building and they are not, in my judgement, employed wholly or partly for the purposes of advertisement, announcement or direction within the meaning of the definition of an advertisement¹.

Consequently, I have come to the judgement that the five panel lights are not advertisements that require express consent and should not form part of an advertisement proposal and this appeal. I have therefore removed the reference to this part of the scheme from the banner heading above and will not consider them as part of this appeal.

6. In coming to this judgement that the panel lights are not advertisements; I have made no assessment as to whether they constitute development for which planning permission may or may not be required. Such an assessment would be for the Council in the first instance.
7. Accordingly, this leaves the issue of the four internally illuminated projecting signs for consideration. These signs have been installed. In relation to the issues in respect of these advertisements, Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states that a local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.
8. The Council does not raise any issue with regard to the effect of these advertisements on public safety and I have found no reason to disagree.

Main Issue

9. Accordingly, the main issue is the effect of the four projecting signs on the visual amenity of the area.

Reasons

10. 46 Chippenham Road is an elegant and well proportioned building that stands prominently at the cross roads of Chippenham Road and Elgin Avenue. These are busy roads with some other commercial premises in the vicinity, although there is a predominance of residential properties in the general area.
11. No 46 has been sensitively converted from a previous public house and now operates as a pharmacy. There are individually illuminated letter signs along each fascia and on the angled corner over the door. These tend to complement the building. However, the projecting signs the subject of this appeal are quite strident in colour and with their LED illumination are fairly prominent features to the ends of each road side facing fascia. They depict the pharmacy emblem and, while reasonably modest in size, because of their number, form and appearance, they lack the subtlety of design and character of the other fascia signs and unduly contrast with the elegance of the façade as a whole.
12. These signs are visible from a number of public locations, for instance, when approaching from the south west along Elgin Avenue, close to the junction, the

¹ Section 336(1) of the Town and Country Planning Act 1990 (as amended)

two projecting signs on this side of the building can be seen in combination. The same occurs with the other two projecting signs when travelling from the north towards the building along parts of Chippenham Road. In these circumstances, the duplication of the signs appears as a clutter along each fascia and unduly detracts from the appearance of this part of the building.

13. From some areas around the crossroads, both sides of the building are visible at the same time and the four projecting signs with their colour, and when switched on their form and extent of LED lighting, are unduly prominent. The combination of the four projecting signs causes clutter to the fascias and are not sympathetic to the character and appearance of the building at this prominent location. I appreciate that this is a busy junction, not within a conservation area, and that there are road signs, traffic lights and other activity and advertisements. I have also taken into account that the previous public house use of the building would, in all likelihood, have had some form of external illumination and signage. Nevertheless, for the reasons explained, the combination of the four projecting signs, with two to each road facing fascia, are overly prominent and produce a cluttered appearance to the building.
14. To conclude, the combined impact of the projecting signs detract from, rather than making a positive contribution to, the appearance of the building and are not sensitively designed such that they are unacceptably disruptive to the interests of amenity to this building in this location. In these circumstances, the four projecting fascia signs conflict with Policies 38 and 43(G) of the City of Westminster City Plan 2019 - 2040 (April 2021) which, amongst other things, require that signs and advertisements make a positive contribution by being sensitively designed.
15. For the reasons given above, and having regard to all other matters raised, I conclude that the combined impact of the four projecting signs are detrimental to the visual amenity of the area and that the appeal should be dismissed.

David Wyborn

INSPECTOR