



Appeal Decision

Site visit made on 27 June 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: 27 September 2024

Appeal Ref: APP/X5990/Z/24/3340180

17 Bruton Street, City of Westminster, London W1J 6QB

- 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 Mr Ross Shonhan against the decision of City of Westminster Council.
 - The application Ref is 23/08801/ADV.
 - The advertisement proposed is described as shopfront alterations and installation of single non illuminated flag.
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Decision

1. The appeal is allowed and express consent is granted for shopfront alterations and installation of single non illuminated flag at 17 Bruton Street, City of Westminster, London W1J 6QB in accordance with the terms of the application, Ref 23/08801/ADV. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations.

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 Matters

3. The description of development differs between the application form and the decision notice. I have used the description from the application form for completeness. It should be noted that this appeal relates only to the single non illuminated flag and flag-pole, and I have therefore made my recommendation accordingly.
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 Issue

5. The main issue is the effect of the proposed advertisement on the amenity of the Mayfair Conservation Area.

Reasons for the Recommendation

6. The Appeal site is located on Bruton Street, with Berkley Square at one end, Regent Street at the other, and New Bond Street bisecting it. Bruton Street is lined with older buildings, however there is a larger more modern building on the south side of the street near Berkeley Square, in which the appeal site is located. There is a strong commercial frontage at ground floor level, particularly within the older buildings. The significance of the Mayfair Conservation Area (CA) appears to derive from the tight street pattern which are lined with comparatively tall buildings, giving an enclosed feeling, together with main commercial streets with ground floor level shops.
7. The older buildings on Bruton Street have various advertisements outside, including canopies and flags, which add to the high-end feeling of the road. Where Bruton Street meets New Bond Street, it is evident that flags have become a feature of advertising within the CA, and have naturally become part of the northern side of Bruton Street, whether they have been granted with express consent or not. These advertisements are not limited to department stores and hotels, and appear on smaller shops, reinforcing that flags are a character of the area.
8. The flag advertisement proposed would introduce this feature onto the southern side of Bruton Street. The flag would be part of a wider re-branding of No 17, and would be seen in the context of fixed canopies, which have already gained express consent. The modern host building is of a much larger scale compared to the older buildings that line Bruton Street. The proposed flag would appear to be placed at a height consistent with other similar advertisements within the CA, and would bring an element of proportionality to the building, giving it a smaller scale in the street scene which would be more consistent with the other older buildings on Bruton Street.
9. I acknowledge that flag advertisements have the potential to obscure the architectural legibility of the façade upon which they are placed. In this instance, being a more modern building, the façade has few features which would be obscured by the proposed flag and it would provide interest. The façade of No 17 is symmetrical, however it is evident from the plans before me that this symmetry will be unbalanced due to the presence of the restaurant in only part of the ground floor in the building. As such, the addition of the proposed flag would not unbalance the appearance of the building any further.
10. Accordingly, the proposed flag and flagpole would be in keeping with other advertisements on Bruton Street and would complement the area's amenity and preserve the character and appearance of the CA. In accordance with the Regulations, I have also taken into account Policies 38, 39 and 43(G) of the City Plan 2019-2040 (2021) which seek to protect visual amenity, ensuring that proposals positively contribute to the streetscape. Given that I have concluded that the proposal would not harm visual amenity, the proposal does not conflict with these Policies.

Other Matters

11. I have been provided with the addresses of a number of other buildings where flag advertisements have been refused, however I have not been provided with any other details of these and have therefore attributed only limited weight to these decisions.

Conclusion and Recommendation

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

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, and express consent is granted.

Ben Plenty

INSPECTOR