



Appeal Decision

Site visit made on 6 November 2024

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2024

Appeal Ref: APP/X5990/Z/24/3348876

25 Basement and Ground floor, Bruton Street, City of Westminster, London W1J 6QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Alice & Olivia UK Limited against the decision of City of Westminster Council.
 - The application Ref is 24/02548/ADV.
 - The development proposed is described as flagpole & flag as per other retail stores on Bruton St.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address and description of development in the banner heading above from the original application form.
3. Notwithstanding the original description of development, having regard to the plans submitted, the Council have determined the application on the basis of the display of a non-illuminated flag and a non-illuminated projecting sign, and so shall I for the purpose of this appeal.
4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety. Therefore, I have had regard to the policies of the development plan only in so far as they are a material consideration relevant to the consideration of amenity.

Main Issue

5. The main issue is the effect on visual amenity, having regard to the building's listed status and conservation area location.

Reasons

6. The appeal site is a Grade II listed building (List Entry Ref: 1066387). The list entry describes it as a terrace house of mid to late 18th century, altered early 20th century, comprising four storeys, basement and dormered mansard. A ground floor shop front is present with upper floors in residential use. The first floor has a pair of tripartite sash windows engaged with stone columns and entablature and a cast iron balcony. Second and third floors have revealed

sashes with gauged red brick flat arches and stone aprons to sills. Bracketed stone cornice and parapet also feature.

7. The appeal site forms part of a terrace that is located within the Mayfair Conservation Area (CA). The CA covers an extensive area and derives considerable significance from its formal townscape pattern of streets and squares lined by largely substantial buildings of varied age and architecture. This creates an elegant and formal character and appearance. Furthermore, the significance of Bruton Street is derived, in part, from its historical significance being the birthplace of the late Queen Elizabeth II and where fashion designer Norman Hartnell resided for many years.
8. The area has a bustling character with a mix of uses, including retail, commercial/offices, restaurants and hotels. There is a wide range of architectural styles in the vicinity, with the quality of the area considerably enhanced by the buildings within it. The terrace wherein lies the appeal site, retains many attractive features, including detailing at the upper floors, and as such it makes a positive contribution to the character and appearance of the CA.
9. Insofar as it relates to the consideration of 'amenity' the statutory duty under the provisions of s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The Framework points out that the quality and character of places can suffer when advertisements are poorly sited and designed, and can harm the visual amenity of the area.
10. The Council's Shopfronts, Blinds and Signs design guide (1993) states that flagpoles may not always be appropriate in sensitive parts of conservation areas or on listed buildings. The Advertisement Guidelines point out that the principal concern when considering such advertisements will be to safeguard the character and appearance of the area and individual buildings in such locations.
11. The Council's concerns are in respect of the flagpole that would be located above the fascia, in between existing openings. This location, combined with its degree of projection, would introduce an element of visual clutter to the façade and street scene, being particularly prominent in views along the street in both directions for some distance.
12. I have taken into account the examples of other advertisements in the area which have been brought to my attention, and I appreciate that the site lies within a commercial street which is characterised by a mix of uses. However, I do not know the precise circumstances of those other examples, nor do I know whether or not they benefit from express consent. Indeed, the Council has advised that some of those signs are not authorised. The weight I attribute to these other advertisements is therefore limited. In any event, their presence does not justify further harm being caused in this sensitive location and to a listed building.
13. Notwithstanding the above, I conclude that the proposal would fail to preserve the setting of the designated heritage assets and the character and appearance of the Mayfair CA. The proposal would fail to satisfy the requirements of the Act and the historic environment protection policies of the Framework.

14. Accordingly, the proposal would harm visual amenity. I have had regard to development plan policies 38, 39 and 43 g) of the Westminster City Plan 2021. When read together these policies seek to protect the amenity of the City's streetscape, the character and appearance of CAs and state that signs and advertisements will make a positive contribution to amenity by being sensitively designed. They are therefore material in this case. As I have found harm to visual amenity, it follows that there would be conflict with these policies.

Other Matters

15. It has been suggested that permission is not generally required to display a 'house flag'. It is not for me, under a section 78 appeal, to determine whether or not that use is lawful.
16. The appeal scheme includes a non-illuminated projecting sign. The Council has not raised any concerns in respect to this element of the proposal. The sign would not appear either out of keeping, or significantly out of proportion, in relation to the shop front or the front elevation as a whole. I note this is a view shared by the Council.

Conclusion

17. For the reasons stated, conflict arises with the development plan and Regulations. The appeal is therefore dismissed.

R. Gee

INSPECTOR