
Appeal Decision

Site visit made on 6 November 2024 by R Dickson BSc (Hons) MSc MRTPI

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 19 December 2024

Appeal Ref: APP/X5990/Z/24/3352212

House of CB, 225 Oxford Street, London W1D 2LR

- 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 House of CB against the decision of City of Westminster Council.
 - The application Ref is 23/08622/ADV.
 - The advertisement proposed is for two No. flagpoles at 55° angle with 2.15m length holding a 2300x900mm flag each.
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Decision

1. The appeal is allowed and express consent is granted for two No. flagpoles at 55° angle with 2.15m length holding a 2300x900mm flag each at House of CB, 225 Oxford Street, London W1D 2LR in accordance with the terms of the application, Ref 23/08622/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 Council have referenced development plan policies it considers relevant to this appeal and I have taken these into account where they are material. 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.
4. There is a variation in the description of development across application forms and the decision notice. I have used the description of development contained within the original application form in the banner heading above. The flag poles have been installed, and appear to be displayed in accordance with the plan provided.

Main Issue

5. The main issue is the effect of the proposed advertisement on the visual amenity of the host building and Regent Street Conservation Area.

Reasons for the Recommendation

6. The appeal site is located on Oxford Street, a commercial street which is dominated by retail premises at ground floor level. The buildings have a mix of architectural styles and are of varying ages, however they are unified by their similar scale and high quality detailing. The advertisements attached to retail units along the street consist of either larger fascia signage, or projecting advertisements which sit perpendicular to the façade. The projecting signage on nearby buildings is mostly at a consistent height. However, they are of varying sizes. The mix of buildings and their uses, together with the concentration of advertisements contribute to the significance of the Regent Street Conservation Area (CA).
7. When considering the impact of an advertisement on amenity, section 72(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.
8. The proposed advertisements are positioned on either side of the entrance and are mounted symmetrically upon the façade. The bottom of the flags are a substantial height above pedestrians passing by on the pavement below. During my site visit, it was evident that the projecting flags are slightly higher on the building than other nearby projecting advertisements. However, when approaching the appeal site on foot, the slightly increased height allows the other nearby projecting advertisements to be seen.
9. When looking at the building face-on, the flags are not seen in their entirety owing to their orientation. Even when approaching the appeal site, they do not unduly obscure the legibility of the building, or the views down Oxford Street. The flag advertisements are not much larger than some projecting advertisements within the area and therefore do not have a considerably different visual impact than existing projecting advertisements commonly seen within the CA. Although flags are not prevalent as advertisements on Oxford Street or within the CA, in this instance the proposed advertisements would preserve the character and appearance of the CA and cause no harm to its significance.
10. Artwork banners are sometimes hung across the street, and while they had been replaced with seasonal lighting at the time of my site visit, I have been provided with photographs. The evidence provided suggests that they are positioned much higher than the advertisement at the appeal site. It is therefore unlikely that the advertisement would visually compete with the artwork banners. As alluded to above, the flag advertisements are not considerably different to the existing projecting advertisements, and therefore would be visually harmonious.
11. Accordingly, the proposed advertisement would be similar to existing advertisements, and would not harm the significance of the CA. In accordance with the Regulations, I have also taken into account Policies 38, 39, and 43 of the City Plan 2019-2040 (2021) which collectively seek to protect visual

amenity, ensuring that proposals positively contribute to the streetscape. Given I have concluded that the proposal would not harm the significance of the CA, the proposal complies with these policies.

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.

Mr A Spencer-Peet

INSPECTOR