

Appeal Decision

Site visit made on 12 November 2024

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 23 December 2024

Appeal Reference: APP/K5600/Z/24/3352568

Land at 100 Kensington High Street, London W8 4SG

- 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 Daku Coffee One Ltd against the decision of the Royal Borough of Kensington and Chelsea.
 - The application Reference is CA/24/03894.
 - The advertisement proposed is described in the application form as follows: "an A1 board to be placed at the front terrace of the shop; posters can be our specialty coffee, opening times, promotions and etc to attract customers".
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Decision

1. The appeal is dismissed.

Preliminary points

2. Notwithstanding the description of the application that was given in the application form, the nature of the proposed advertisement can more succinctly be described as an A1 advertisement board.

Main Issues

3. In relation to this advertisement consent appeal, the legislation makes it clear that the powers conferred by the Regulations may be exercised only in the interests of amenity and public safety; the Development Plan may be a material consideration but it cannot be determinative. Thus, the main issues to be determined in the appeal are the visual impact of the proposed advertisement and its effect on pedestrian safety.

Reasons

4. The appeal site is located in Kensington High Street in Central London, almost opposite the High Street Kensington Underground Station (on the Circle and District Lines). There is a dense concentration of movement along the road, both vehicular traffic and pedestrians. This part of London has an established historic character and obvious architectural quality. Much of the surrounding area is included within one or another Conservation Area and the appeal site itself lies within the southern edge of the Kensington Conservation Area.

5. The shop at number 100 Kensington High Street trades as a coffee shop and evidently benefits from passing trade. The shop front advertises the premises but it is now proposed to locate an additional advertisement on the pavement in front of the coffee shop.
6. One of the aims of the 'National Planning Policy Framework' is "achieving well designed places" in the broadest sense and it points out that "the quality and character of places can suffer when advertisements are poorly sited and designed", even though it recognises that the control regime ought not to be unduly onerous. The 'National Planning Policy Framework' also emphasises the importance of maintaining highway safety and convenience.
7. Policies in the Development Plan reflect these basic planning principles, although these Policies cannot be determinative in the context of an advertisement appeal. Attention has been drawn to Policy TR4 of the 'New Local Plan Review 2024', which deals with considerations affecting the "streetscape" (including visual issues and the avoidance of clutter) and also makes reference to the Council's Streetscape Guide. Policy CD3 is specifically directed at design issues in relation to "Heritage Assets" (including conservation areas). Policy TR6 emphasises the importance of pedestrian safety and convenience.
8. The proposed new advertisement would be in the form of an A1 board, free-standing on the pavement outside the coffee shop at number 100. In the application form, it is stated that "posters can be our specialty coffee, opening times, promotions and etc to attract customers" and the application drawing includes a coffee advertisement. In the appeal submissions, however, it is explained that the proposed advertisement "is not intended for commercial advertising but rather to serve as a platform for showcasing local artistic talent and supporting our community". The submissions go on to explain how this would be done and I accept that, in practice, the proposed A1 board could provide a public benefit as intended, to some extent (even though it would be difficult for that to be secured).
9. Nevertheless, the new advertisement would add to visual "clutter" in the streetscape and would, therefore, detract from the visual qualities of the surroundings, albeit in a limited way. The potential artistic quality of the advertisements would not be sufficient to outweigh the visual objection, in my view.
10. Moreover, the free-standing board would interfere with the free flow of pedestrian traffic at a point where there is likely to be particular pressure, on a busy road, very close to the Underground Station. In this case, I am convinced that the proposed advertisement would have an adverse effect on pedestrian safety, by restricting the available pavement area in this location.
11. I am aware that there are some examples of on-street furniture along Kensington High Street, including advertisements, although these are not in the immediate vicinity of the appeal site and, in some cases at least, a wider pavement is available. I have assessed the current proposal on its own merits, however, and I find that it is objectionable, both on the grounds of visual amenity and public safety.

12. I am conscious that the appeal scheme could bring some benefits but I have concluded that the signage which is the subject of this appeal ought not to be allowed and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C. Shrimplin

INSPECTOR