
Appeal Decision

Site visit made on 7 January 2025

by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 8 January 2025

Appeal Ref: APP/X5990/Z/24/3356514

1 Dorset Square, City of Westminster, London, NW1 6PU

- 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 RB PROJECT MANAGEMENT against the decision of City of Westminster Council.
 - The application Ref is 24/08071/ADV was made on 18 November 2024, and refused on 29 November 2024.
 - The advertisement proposed is described as *Temporary decorative scaffold shroud printed onto PVC comprising a 1:1 replica image of the building facade with an inset sponsors advertising area measuring 10 x 4.7 metres.*
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Decision

1. The appeal is allowed and express consent is granted for the display of the Temporary decorative scaffold shroud printed onto PVC comprising a 1:1 replica image of the building facade with an inset sponsors advertising area measuring 10 x 4.7 metres at 1 Dorset Square, City of Westminster, London, NW1 6PU in accordance with the terms of the application, Ref 24/08071/ADV, dated 18 November 2024 for a period of 12 months, as applied for.
2. The consent is for twelve months from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:

(vi) *The temporary scaffold shroud and non-illuminated static advertisement inset shall be installed and removed concurrently.*

Main Issues

3. Regulation 3(1) of *The Town and Country Planning (Control of Advertisements) (England) Regulations 2007* (as amended), Paragraph 141 of the *National Planning Policy Framework* (the Framework), and the national Planning Practice Guidance¹ (the Guidance), set out clearly that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
4. The main issues in this case are, therefore, the effect of the advertisement with specific regard to amenity and public safety.

¹ Planning Practice Guidance, Paragraph: 026 Reference ID: 18b-026-20140306 Revision date: 06 03 2014 [Advertisements - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/advertisements)

Reasons

5. The proposal seeks the temporary display of a PVC decorative scaffold shroud comprising a 1:1 replica image of the building façade with inset sponsor advertising area measuring around 10 by 4.7 metres in size. This would be for a period of twelve months.
6. As shown in the Appellant's Grounds of Appeal (page 2), there has been scaffolding around the appeal building with a plain scaffold shroud. This type of shroud makes it difficult for many observers to appreciate, experience, or even see much of the architectural interest of what is a Grade II listed building located within the Dorset Square Conservation Area.
7. I note the Council's point that the design of the replica image could more accurately reflect the architectural interest of the Grade II listed building through a more detailed visual representation. Nevertheless, this type of scaffold shroud is becoming commonplace for heritage buildings, so that during periods of repair or construction visitors to the area can appreciate what the building looks like and how it positively contributes to amenity.
8. The issue in this case revolves around the replica shroud and the non-illuminated advertisement inset. The Appellant indicates that the use of such arrangements would not only screen the building during the building works, but would also generate its own income through sponsorship from the advertisement space.
9. The Council is concerned that the lack of articulation in the replica building image and size of the proposed advertisement (including its prominent corner location), would dominate views within the conservation area and be highly contrasting given that advertisements within the local area are typically located no higher than ground floor level. This creates a relatively uncluttered appearance to buildings; whereby commercial signage is normally absent at high levels.
10. At the same time, scaffolding is normally a temporary feature, with both the advertisement and 1:1 shroud proposed to be temporary for a period of 10 to 11 months. To that end, the advertisement inset could reasonably be conditioned so that it is removed within 12 months of this decision. This would provide the time for any building works to take place behind the shroud and maintain a short-term screening of these.
11. Whilst I note the size and overall dimensions of the inset, it would only represent a small part of the overall elevation. Furthermore, it would not be illuminated nor would it involve any moving images. In this respect, its impact in amenity terms would be much reduced; where visitors would see the 1:1 scaffolding shroud with a relatively small advertisement inset panel.
12. The lack of movement and illumination will minimise its impact on amenity and public safety. A condition could be used to ensure that the 1:1 shroud is installed concurrently with any advertisement inset so that the amenity benefits of the shroud can be achieved.
13. On balance, taking into account the concurrent 1:1 scaffold shroud and the advertisement inset, the temporary nature of the proposal, and the non-illuminated/non-moving nature of the proposal, I find that it would, at the very least, preserve the character and appearance of the Dorset Square

Conservation Area. Furthermore, it would also preserve the settings of both the appeal building and also those of nearby and adjacent listed buildings detailed in the Officer's Report.

14. I therefore find that the proposal would not result in adverse impacts on amenity or public safety which could not be adequately mitigated or managed through the imposition of conditions. Similarly, I find that the temporary proposal in this instance would align with Policies 38, 39 and 43(G) of the *City Plan 2019-2040* (adopted April 2021), which seek analogous aims to those set out in the Advertisement Regulations, and also the statutory duties in respect of listed buildings and conservation areas in the *Planning (Listed Buildings and Conservation Areas) Act 1990*, as amended.

Conditions

15. The Regulations set out five standard conditions, which should be imposed. Given the proposal seeks a non-illuminated static advertisement, it is not necessary to impose an additional condition seeking such. It is, however, necessary and reasonable to require the shroud and advertisement inset to be installed and removed at the same time to ensure the maximum visual benefits from the proposal.

Conclusion

16. For the reasons given above I conclude that the display of the advertisement would not be detrimental to the interests of amenity and public safety. The appeal is therefore allowed and consent granted, subject to the standard five conditions and one additional condition, for a period of twelve months.

C Parker

INSPECTOR