



Appeal Decision

Site visit made on 2 December 2024

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th January 2025

Appeal Ref: APP/X5990/Z/24/3353762

First Floor, 26 Bruton Street, City of Westminster, London W1J 6QL

- 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 G International Ltd against the decision of City of Westminster Council.
 - The application Ref is 24/04783/ADV.
 - The advertisement proposed is display of client branded flag on existing flag pole to promote presence within first floor location above ground level retail store. Flag artwork carries client logo and corporate colours.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as material considerations. However, powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ('the Regulations') may be exercised only in the interests of amenity and public safety, taking account of any material factors. Therefore, in determining this appeal, the Council's policies, in themselves, have not been decisive.
3. A revision to the National Planning Policy Framework ('the Framework') was published in December 2024. The amendments did not have a bearing upon the issues in this appeal, and it was therefore not necessary to seek comments from the main parties upon it. Where I have referred to the Framework, it is that of the December 2024 version.
4. During the course of this appeal, a decision was issued in relation to an appeal¹ at a neighbouring property; 25 Basement and Ground Floor, Bruton Street, where the proposal related to a flagpole and flag. I have afforded the main parties opportunity to comment in relation to this appeal decision, and I have been mindful of it in reaching my decision in this case.
5. The Council's decision does not refer to public safety as a reason for refusal, and no concerns have been raised by any party in this respect. Therefore, there is no evidence before me to indicate that the appeal advertisement would have a harmful effect on public safety.

¹ APP/X5990/Z/24/3348876

Main Issue

6. The main issue is the effect of the proposal upon amenity, having regard to the listed building and conservation area.

Reasons

7. The appeal site is a Grade II Listed Building, which is described in its listing as being a mid-18th century terrace house with 1930s alterations. At one time the building housed the showroom of the couturier Norman Hartnell, and the alterations were undertaken to the building by Gerald Lacoste in the 1930s in association with this use. Particular significance is derived from the interior of the building.
8. Mayfair Conservation Area ('the CA') is large and derives significance from the pattern of streets and public spaces, along with the age, scale and quality of buildings. Another Inspector², identified that this creates an elegant and formal character and appearance, and I agree. Bruton Street itself has historical significance through associations with Norman Hartnell, and as the birthplace of Queen Elizabeth II.
9. The street hosts a range of commercial uses and buildings exhibit a range of architectural styles, although there is some consistency to the scale and architecture of properties on the side of the road on which the appeal site is located. This affords the street a pleasing rhythm, and the street contributes positively to the character and appearance of the CA.
10. The statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a CA, set out at Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, applies insofar as it relates to the consideration of amenity. The Framework highlights 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.
11. Policy 43 of the City of Westminster City Plan 2019 ('the City Plan') states that signs and advertisements should make a positive contribution to amenity by being sensitively designed in terms of the size, location and impact on the building on which they are displayed, local context, streetscene and wider townscape. The City of Westminster Shopfronts, Blinds and Signs Design Guide Supplementary Planning Document states that flagpoles may not always be appropriate in sensitive parts of conservation areas or on listed buildings.
12. There are a number of existing flags evident within the CA, particularly on New Bond Street. There are also flag advertisements on Bruton Street itself, although these are fewer in number. The precise circumstances of these are also unclear and the Council has indicated that some are unauthorised and that it has sought to take action in relation to them. Regardless of the status of other flags in the street, the use of flag advertisements on Bruton Street is less prevalent than elsewhere in the CA and affords the street a more restrained character, with an absence of visual clutter.
13. The dimensions of the proposed flag mean that it would appear as a large and prominent feature within the street. The flagpole projects from the building at an angle from a point at first floor level. The flag would therefore be elevated and

² APP/X5990/Z/24/3348876

widely visible in views up and down Bruton Street and would appear as additional visual clutter, disrupting the rhythm of the otherwise restrained streetscape. This would be both harmful to the character and appearance of the area, as well as the setting of the host property.

14. It is stated that the flagpole at the appeal site has been in place for many years and may date from the 1920s. I have no reason to doubt this and acknowledge that the provision of a flagpole usually indicates an intention to display a flag. Be this as it may, it does not necessarily follow that the display of a flag would be acceptable solely on the basis of the presence of the existing flagpole, as they are subject to different consenting regimes and considerations.
15. The appellant has indicated that a flag has been flown at the property for around 10 years, however there is no evidence before me to indicate that this display was authorised. Consequently, I afford this fact minor weight. While the owner of the property may have given permission for the appellant to make use of the flagpole, and that arrangements may be in place for the maintenance of, it, these factors are private matters and they do not weigh in favour of the proposal in terms of its effect upon amenity.
16. It is suggested that advertisement consent is generally not required to display a "house flag" displaying the name, emblem, device or trademark of the company occupying a building, but it is unclear which legislation is being referred to in this respect. In any event, it is not within the scope of this appeal to determine whether or not the display of the flag would otherwise be lawful.
17. I conclude that the proposal would be harmful to the amenity of the area. I have taken into account Policies 38, 39 and 43 of the City Plan which together, and amongst other factors, 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. These policies are therefore material in this case, and as I have found harm to amenity, there would be conflict with them.

Other Matters

18. It is stated that without the flag advertisement that the appellant's business would not have any advertising presence at its premises, and I acknowledge that the listed status of the appeal property and its location within the CA are potential constraints to achieving a commercial presence at the property. However, it has not been shown that other, alternative means of identifying the appellant's business have been fully explored. Consequently, these factors do not justify the harm that I have identified.

Conclusion

19. For the reasons given above, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR