
Appeal Decision

Site visit made on 6 January 2025

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 21st January 2025

Appeal Ref: APP/X5990/Z/24/3353682
301-307 Oxford Street, London W1C 2HW

- 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 Mr Tom Shutlar, Bestseller Retail UK Ltd against the decision of City of Westminster Council.
 - The application Ref 24/04506/ADV, dated 4 July 2024, was refused by notice dated 6 September 2024.
 - The advertisement proposed is the display of an internally illuminated (letters only) fascia sign measuring 0.90m x 14.12m.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the advertisement on the visual amenity of the host building and the street scene, including the effect on the character and appearance of the Mayfair and Harley Street Conservation Areas (CAs).

Reasons

3. The application is for retrospective consent for an internally illuminated letters only fascia sign that has been erected across the shop front of the JJXX & Jack & Jones store at No 301-307, on the southern side of Oxford Street west of Harewood Place. The shop unit, on the ground/mezzanine floor of a modern building with offices above, lies within one of the most prestigious shopping areas in London with retail units and their ubiquitous bright illuminated fascia signs lining the streets.
4. With other examples in the area, there is no objection in principle to an advertisement comprising individual letters or for those letters to be internally illuminated. The concern in this case is the overall scale of the advertisement with letters 0.9 m tall and the overall sign 14.12 m wide.
5. The appellant draws attention to examples of relatively large-scale fascia signs elsewhere in Oxford Street eg 'The HMV Shop' at No 363 and 'Disney' at No 350-352 but in the absence of detailed measurements of the lettering I am not satisfied that these are comparable; the overall width of the words involved appears less than in the appeal case reducing their impact, and in any event they are some distance away. Some logos appear tall, eg 'NB' at No 287-291 and 'Boots' at No 361, but these short logos do not have the same visual impact as the lengthy series of letters installed in this instance.

6. In the immediate vicinity of the appeal site 'Whittard' and 'Three' have quite tall lettering but are short words, 'Moss Bros' is politely restrained along with 'Uni Glow' and 'Swatch' like 'John Lewis' opposite, whilst 'Stradivarius' next door has thin letters and a narrower frontage. The sign 'JJXX & JACK & JONES' stands out starkly as having both tall and thick letters spread across an unusually wide frontage, and it is this combination which gives the sign an unduly prominent appearance both in relation to the host building and the street scene as a whole. The advertisement is not read as two separate signs, 'JJXX' and 'JACK & JONES', but as a whole, and the lack of a solid background fascia only reduces its visual impact in the street marginally. The calculation that the letters total 5.75m² in area is not relevant as the perception of the sign is that it covers the full 0.9 x 14.12 = 12.7 m². The impact of illumination is not a factor other than it emphasises the scale of the sign.
7. For these reasons, even taken full account of the vibrant retail environment along this section of Oxford Street, the advertisement crosses the boundary of acceptability in relation to visual amenity.

Conclusion

8. Whilst unobjectionable in other respects, the sheer scale of the advertisement, the combination of tall, thick letters and the length of the sign across the frontage, results in a visual impact that significantly detracts from the visual amenity of the host building and the street scene, thus failing to preserve the character and appearance of the Mayfair/Harley Street CAs. This is contrary to one of the purposes of the advertisement regulations to protect amenity and conflicts with Policies 38, 39 and 43G of the Westminster City Plan adopted in 2021. These require proposals to positively contribute to Westminster's townscape and streetscape, to conserve its heritage assets, and for signs and advertisements to be sensitively designed in terms of their size, location, impact on the building concerned and local context. The proposal would also conflict with the legislative duty to have special regard to the desirability of preserving or enhancing the character or appearance of the CAs.
9. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR