



Appeal Decision

Site visit made on 31 March 2025

by **S Poole BA(Hons) DipArch MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 April 2025

Appeal Ref: APP/K5600/Z/24/3357822

80 Tavistock Road, Kensington and Chelsea, London W11 1AN

- 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 Ms Anna McAree, Build Hollywood Ltd against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref is CA/24/04773.
 - The advertisement proposed is an internally-illuminated 4 sheet size digital poster display unit measuring 1 metre wide x 1.5 metres high
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Decision

1. The appeal is allowed and express consent is granted for the display of an internally-illuminated 4 sheet size digital poster display unit measuring 1 metre wide x 1.5 metres high at 80 Tavistock Road, Kensington and Chelsea, London W11 1AN in accordance with the terms of the application, Ref CA/24/04773. 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 and the additional conditions set out in the attached schedule.

Procedural Matters and Main Issue

2. The advertisement described in the banner heading above is in place. This appeal therefore relates to a retrospective application for advertisement consent.
3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that applications for the display of advertisements are considered in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant matters.
4. The Council has concluded that the appeal scheme preserves public safety: I find no reason to take a contrary view. The main issue is therefore the effect of the proposal on visual amenity.

Reasons

5. The appeal site comprises a newsagents and general store on the ground floor of a block of flats next to the junction between Tavistock Road and Portobello Road. The surrounding area comprises a vibrant mix of shops, cafes and market stalls and there are cycle stands, public toilets and road and rail bridges in close vicinity to the site, which is also a short distance from the Colville Conservation Area.

6. The appeal scheme comprises an internally illuminated static digital display that has been installed in front of a depository box to one side of the Portobello Road frontage of the appeal property. This has replaced a static advert of similar size in the same location which the information before me indicates was not illuminated. As the former advertisement has been removed it does not represent a fall-back position and consequently I accord limited weight to it.
7. The appeal scheme is sited parallel to the street, towards the back edge of the pavement and behind the front building line of the next door retail frontage. As a consequence of this siting it is not a particularly conspicuous element in the street scene. From points from which it is visible it is seen in the context of the neighbouring shopfronts and signage. As such its impact on the appearance of the street scene is not dissimilar to that of a colourful illuminated shopfront. Consequently, due to its siting and local context the digital nature of the display is not particularly prominent or incongruous. For these reasons I conclude that the appeal scheme does not have an unacceptable effect on visual amenity.
8. I have taken into account Policies CD1, CD2, CD15 and TR4 of the Kensington and Chelsea Local Plan (2024) which, amongst other matters, seek to protect amenity, and are therefore material in this case. Given I have concluded that the proposal would not harm amenity, the proposal does not conflict with these policies.

Conditions

9. I have considered the conditions suggested by the Council and the appellant having regard to the National Planning Policy Framework and Planning Practice Guidance. In addition to the five standard conditions set out in Schedule 2 of the 2007 Regulations, I consider it necessary in the interest of visual amenity to impose conditions to control interval times and the level of illuminance, and to restrict moving images.

Conclusion

10. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

S Poole

INSPECTOR

Schedule of Conditions

- 1) The advertisement permitted by this consent shall be statically illuminated and the intensity of the illumination shall be no greater than 300 candelas per square metre.
- 2) The advertisement permitted by this consent shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent, or video elements).
- 3) The minimum display time for each advertisement shall be 10 seconds.
- 4) The interval between successive displays shall be no more than 0.1 seconds and the complete display screen shall change without visual effects between each advertisement.