Advertisement and Listed Building Consent for Retractable Awning

168 Holland Park Avenue
Kensington, London
W11 4UH

23rd September 2011
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Executive Summary

- The applicant is seeking planning and listed building consent for a retractable advertising awning.
- A precedent has clearly been set in the local area for similar awnings.
- The awning will be located above the basement entrance of the property; this will cause minimal visual impact on the listed building and the Conservation Area.
Validation Checklist

1. Application Form

2. Location Plan
   Doc Ref:

3. Existing Site Plan
   Doc Ref:

4. Proposed Development Plan
   Doc Ref:

5. Ownership Certificate and Notice
   Doc Ref:

6. Agricultural holdings Certificate
   Doc Ref:

7. Design and Access Statement
   Doc Ref:

Submission Notes

The Best Practice Guidance on the Validation of Planning Applications (ODPM, 2005) notes that: 'Where an application is not accompanied by information required by a planning authority, in accordance with the direction in their SPD guidance, then applicants should provide written justification with the application as to why it is not appropriate in the particular circumstances. In such cases planning authorities should not declare applications invalid unless they are satisfied that they can give reasons and provide them to the applicant.'
Planning Statement

1. **Background**

1.1 This statement accompanies a planning application for a retractable advertising awning above the basement entrance to 168 Holland Park Avenue.

2. **Site context**

2.1 The site is located on Holland Park Avenue which is a busy commercial and residential district of Kensington. The application property is located at the basement level of 168 Holland Park Avenue. The premises are occupied by a property management and estate agency firm who rely on advertising to attract passing footfall.

2.2 The surrounding area is a particularly attractive suburb of central London and is designated as a Conservation Area. Surrounding uses include residential, educational, commercial and business premises. There are a number of similar awnings in the surrounding area that offer an effective advertising solution whilst maintaining the setting of the Conservation Area and the general feel of a smart district.

3. **Proposal**

3.1 The proposal seeks permission to site a retractable advertising awning at the basement level of 168 Holland Park Road. The awning will be displayed during office hours to attract footfall and clearly mark where the premises is located.

3.2 The awning will be of a bespoke design and will be operated via remote control to extend out to 2m. The width of the awning will measure 4m. The remote control has a wind sensor built in to allow the awning to automatically retract should there be adverse weather.

3.3 The tasteful awning will display Sanderson’s name and logo. The awning will only be visible from directly outside the premises; the basement level means that the awning will be effectively screened from all other public vantage points.

4. **Planning History**

4.1 There is no planning history relating to the property highlighted on the public access system. However, Kensington and Chelsea Royal Borough Council recently granted planning permission for a very similar proposal at 120-122 Holland Park Avenue (ref. PP/11/01959). This property was also at lower ground floor level, and located within the Norland Conservation Area.

4.2 The application sought to display a new awning incorporating signage. The officers report comments that; ‘Awnings are already an established feature.’ The application was
subsequently approved under delegated powers and received no objections from statutory consultees or members of the public.

4.3 It has been held at the High Court that applications for planning permission should expect consistency in decision making. This is made abundantly clear in the High Court Decision, Poundstretcher Ltd, Harris Cost’s Decision Queensway plc v. Secretary of State for the Environment and Liverpool City Council (1989) JPL 90.

4.4 In Roberts v Brent Council [2008] EWCA Civ 982 Lord Justice Richards usefully summarises the precedent effect;

‘The point about the precedent effect as set out in the case law of which Poundstretcher forms part is that the grant of permission for a particular form of development on one site in an area may make it very difficult to refuse permission for the same form of development on other sites in the area if the circumstances are the same, in part because of the importance in decision-making. Thus the grant of planning permission on the one site may have wider consequences for the area as a whole.’

5. Planning Policy

5.1 The Kensington and Chelsea Core strategy element of the Local development Framework was adopted by the Royal Borough on December 8th 2010 and contains planning polices which have succeeded those contained within the Unitary Development Plan. Therefore, the development plan is made up of the adopted Core Strategy, the London Plan and the relevant saved polices from the UDP. For the purposes of this application, we believe that there are no relevant polices contained within the London Plan or the UDP.

5.2 Policy CR 4 is concerned with development and its impact upon the streetscape. With regard to advertising it states:

The council will require improvements to our visual, functional and inclusive quality of our streets, ensuring they are designed and maintained to a very high standard.

To deliver this the Council will:

a. Require all work to, or affecting the public highway, to be carried out in accordance with the Council’s adopted Streetscape Guidance;

b. Require that by reasons of size, siting, design, materials or method of illumination, advertising on buildings does not harm the appearance of the building and does not adversely affect amenity, or public or road safety.

5.3 The proposal seeks to blend in with the existing signage and awnings present in the local area. The awning will represent a tasteful element within the landscape and will enhance the appearance of the host building and the Conservation Area. The location of the basement unit is set back approximately 6 metres from the public highway, and therefore there will be no impact on public safety. It is considered that the proposal is compliant with Policy CR 4.
5.4 Policy CL 1 is concerned with a proposals impact upon the context and character of an existing building or area. It highlights the need for new proposals to take opportunities to improve the quality and character of buildings and areas.

5.5 The proposed awning respects the setting and character of the local area, the design has been chosen due to the proliferation of similar advertising awnings. The retractable awning is slim in design and seeks to compliment the appearance of the host structure. The use of the basement and subsequent awning breathe life into the architecture at street level whilst respecting the size of the development site and not appearing overbearing. With this in mind the applicant is confident that the tasteful design and siting of the awning complies with Policy CL 1.

5.6 Policy CL 2 considers modifications to existing buildings and requires these modifications to be of the highest architectural and urban design quality. The Council requires the development to be:

- Functional – The proposed awning offers advertising space in a compact and efficient design that can be retracted out of work hours. The awning is controlled by remote control and has a wind gauge that can automatically retract the awning should there be adverse weather.

- Robust – The product is of the highest design and comes with a 5 year warranty. The condition of the product will remain impeccable as the applicant wishes to attract members of the public into the unit.

- Attractive – The awning is an attractive feature within the vista. Much like a number of existing awnings, it will add life below ground level and provide excellent use of materials that respect the setting.

- Locally distinctive – There are many similar examples of advertising awnings. The area is strewn with commercial units that use the awnings for both advertising and to provide a covered outdoor area for the consumption of food and drink and the storage of goods. The awning adds to the café culture and lively streetscene that is already apparent.

5.7 Policy CL 3 and CL 4 are concerned with the protection of Conservation Areas and heritage assets respectively. It requires proposals to contribute to the character of Conservation Area and the setting of a listed building. The awning has very little impact on the setting of either the listed building or the Conservation Area. The awning blends in with the existing streetscene, street furniture, and advertising awnings. The area is littered with commercial premises and it provides and attractive active frontage so common with city centre living.

6. Conclusion

6.1 The proposed signage will make a large improvement to the appearance of the property. The awning represents a tasteful and effective design that respects the setting of the Conservation Area and the setting of the listed building. There are several examples of similar awnings
along Holland Park road, one of which has been discussed within the precedent section of this report. The precedent effect is an important factor when considering planning applications.

6.2 The proposed development will breathe life into the basement level of a busy high street; there will be no undue impact to any surrounding residential properties or the surrounding commercial properties. The awning will be well screened and will not appear incongruous.

6.3 With the above in mind we would ask that you approve the application