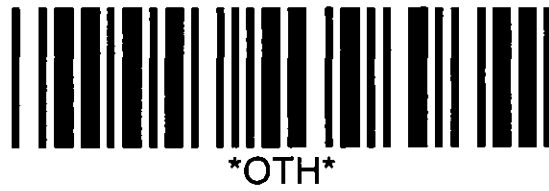
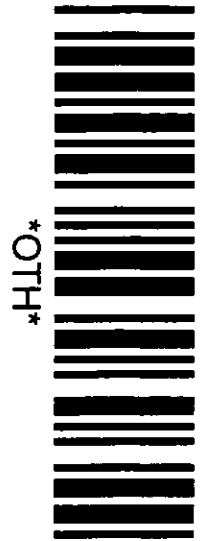


ROYAL BOROUGH  
OF  
KENSINGTON & CHELSEA

DOCUMENT SEPARATOR

DOCUMENT TYPE:

OTHER



NEW APPEAL

DATE: 1/11/02

TO: DEREK TAYLOR / PAUL KELSEY  
JOHN THORNE / BRUCE COEY

A NEW APPEAL HAS BEEN RECEIVED, WHICH FALLS IN YOUR AREA -  
FILE(S) ATTACHED. THE SITE ADDRESS IS:

SWALLOW HOTEL, 147C ROMWELL ROAD, SW7

1. PLEASE INDICATE THE OFFICER WHO WILL BE DEALING  
WITH THIS APPEAL:

CHARLOTTE COOK

2. PLEASE INDICATE THE PROCEDURE BY WHICH YOU WISH THE  
APPEAL TO BE DETERMINED:

- ◆ WRITTEN REPRESENTATIONS
- ◆ HEARING
- ◆ PUBLIC INQUIRY

N.B. The appellant has requested Written Reps / a Hearing / an Inquiry. The  
appellant has the right to be heard. If the appellant wants a Hearing and you choose  
Written Reps, this may result in an Inquiry. If the appellant requests an Inquiry and  
you would prefer a Hearing, a letter outlining reasons why will normally be required.

3. YOU ARE REMINDED TO ORDER LAND USE MAPS AS APPROPRIATE  
AT THIS STAGE

PLEASE RETURN THIS SHEET AND THE ATTACHED FILE(S) TO THE  
APPEALS SECTION WITHIN 24 HOURS

THANK YOU

APPEAL NOTIFICATIONS

Re: SWALLOW HOTEL, 147C CROMWELL ROAD, SW7

Please complete the list of those to notify of the appeal and return with the file(s) to the Appeal Section within 24 hours. Thank You.

WARD COUNCILLORS:

- 1. COATES
- 2. COY
- 3. HOYT

KENSINGTON SOCIETY (Ms Susie Symes, 19 Denbigh Terrace, London W11 2QJ)

CHELSEA SOCIETY (Mr Terence Bendixson, 39 Elm Park Gardens, London SW10 9QF)

RESIDENT ASSOCIATIONS AND AMENITY SOCIETIES:

- 1.
- 2.
- 3.

ALL 3<sup>RD</sup> PARTIES ORIGINALLY NOTIFIED

ALL OBJECTORS/SUPPORTERS

STATUTORY BODIES ORIGINALLY NOTIFIED

ENGLISH HERITAGE

OTHERS:.....

---

**PLANNING AND CONSERVATION**

~~THE TOWN HALL HORNTON STREET LONDON W8 7NX~~

---

**Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS**

---

FILE COPY

File

File

File

Switchboard: 020-7937-5464

Direct Line: 020-7361-2664

Extension: 2664

Facsimile: 020-7361-3463

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**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

---

---

Date: 18/11/02

My Ref: DPS/DCSW/CA/02/00149

Please ask for: Charlotte Cook

ODPM's Reference: App/K5600/ H/02/1102827

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENT) REGULATIONS  
1992**

**Notice of an Advertisement Appeal relating to:** Swallow International Hotel, 147C/149, Cromwell Road, London, SW5 0TH

An Advertisement appeal has been made in respect of the above property. This appeal arises from the Council's non-determination within the appropriate period of an application for: The erection and display of an internally illuminated scrolling 48 sheet hoarding, 1.5m above ground level

This appeal will proceed by way of **WRITTEN REPRESENTATIONS**. Any representations you wish to make should be sent to:

**The Planning Inspectorate, 3/17 Eagle Wing, Temple Quay House, 2 The Square,  
Temple Quay, Bristol BS1 6PN**

Please quote the ODPM's reference given above and send all representations within **14 days** of the date of this letter. Correspondence will only be acknowledged on request. Any representations will be copied to **all** parties including the Inspectorate's Officer dealing with the appeal and the Appellant. Please note that the Inspectorate will only forward a copy of the decision letter to those who request one.

I attach a copy of the Appellant's grounds of appeal. The Appellant's and Council's written statements may be inspected in the Planning Information Office (**please telephone ahead in order to ensure that these are available**).

If you have any further queries, please do not hesitate to contact the case officer on the above extension.

Yours faithfully

**M.J. FRENCH**

Executive Director, Planning and Conservation

H. GROUNDS OF APPEAL

1. NON-DETERMINATION APPLICATION SUBMITTED TO THE COUNCIL IN JANUARY 2002 TO REPLACE EXISTING DISPLAY WITH A MORE MODERN FORMAT.

TO: SEE DISTRIBUTION LIST

FROM: EXECUTIVE DIRECTOR OF  
PLANNING &  
CONSERVATION

MY REF(S): RAG/CA/02/149/CC

YOUR REF:  
SEE DISTRIBUTION LIST

ROOM NO: 324

EXTN: 2081

DATE: ...31 January 2003...

TOWN AND COUNTRY PLANNING ACT, 1990

APPEAL .....Swallow Hotel, Cromwell Road, SW5

I attach for your information a copy of the decision for the appeal on the above-mentioned premises.

EXECUTIVE DIRECTOR OF PLANNING AND CONSERVATION

**DISTRIBUTION LIST:**

COUNCILLOR TIM AHERN, CHAIRMAN, PLANNING SERVICES COMMITTEE  
COUNCILLOR L. A. HOLT, VICE CHAIRMAN, PLANNING SERVICES COMMITTEE  
COUNCILLOR IAN DONALDSON  
COUNCILLOR RIMA HORTON  
COUNCILLOR BARRY PHELPS, CABINET MEMBER FOR PLANNING POLICY  
TOWN CLERK & CHIEF EXECUTIVE ..... C.CAMPBELL RM: 253  
DIRECTOR OF LAW AND ADMINISTRATION...L. PARKER RM: 315  
LEGAL ASSISTANT (ENFORCEMENT ONLY).. H. VIECHWEG RM: 315  
LAND CHARGES..... M. IRELAND RM: 306  
COUNCIL TAX ACCOUNTS MANAGER..... T. RAWLINSON RM: G29  
TRANSPORTATION.....B.MOUNT RM: 230  
EXECUTIVE DIRECTOR OF PLANNING & CONSERVATION  
HEAD OF DEVELOPMENT CONTROL  
APPEALS OFFICER  
NORTH  
CENTRAL  
SOUTH-EAST  
SOUTH-WEST  
INFORMATION OFFICE  
FORWARD PLANNING..... G. FOSTER  
DESIGN. .... D. McDONALD  
STATUTORY REGISTER  
FILE(S)  
SYSTEMS.....C. STAPLETON



# The Planning Inspectorate

3/17 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

<http://www.planning-inspectorate.gov.uk>

Direct Line 0117-3728579  
Switchboard 0117-3728000  
Fax No 0117-3728181  
GTN 1371-8579

Ms R Gill (Dept Of Planning & Conservation)  
Kensington And Chelsea R B C  
3rd Floor  
The Town Hall  
Hornton Street  
London  
W8 7NX

Your Ref: DPS/DCSW/CC/CA/02/00149  
Our Ref: APP/K5600/H/02/1102827  
Date: 27 JAN 2003

Dear Madam

**TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 1992  
APPEAL BY WHITBREAD HOTEL  
SITE AT FORECOURT-SWALLOW HOTEL, CROMWELL ROAD, KENSINGTON, SW5**

I enclose a copy of our Officer's decision on the above appeal.

The attached leaflet explains the right of appeal to the High Court against the decision and how the documents can be inspected.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit  
The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square, Temple Quay  
Bristol BS1 6PN

Phone No. 0117 372 8252

Fax No. 0117 372 8139

E-mail: [Complaints@pins.gsi.gov.uk](mailto:Complaints@pins.gsi.gov.uk)

Yours faithfully

*SJ Banwell*

Miss Sarah Banwell

X	HDC	TP	CAC	AD	GLU	AC
IR						AK
R.B.	28 JAN 2003				LANNING	
K.C.						
C	SW	SE	APP	IO	REC	
			ARB	FPLN	DES FEES	

(49)



# Appeal Decision

Site visit made on 14 January 2003

by P Hellawell

an Advertisement Appeals Inspector appointed by the First Secretary of State.

The Planning Inspectorate  
409 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: enquires@planning-  
inspectorate.gsi.gov.uk

Date

27 JAN 2003

**Appeal Ref: APP/K5600/H/02/1102827**

**Swallow Hotel, Cromwell Road, Kensington, London SW5**

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a failure to give notice within the prescribed period of a decision on an application for express consent.
- The appeal is made by J C Decaux against the Royal Borough of Kensington & Chelsea.
- The application (Ref.CA/02/00149) is dated 17 January 2002.
- The advertisement proposed is a poster unit.

**Summary of Decision: The appeal is allowed on the terms set out below in the Formal Decision.**

## Site and Surroundings

1. The general descriptions of the appeal premises and their surroundings as contained in the Council's statement, enclosed with their letter of 2 December 2002, are accepted.

## Proposal

2. The appeal concerns an internally illuminated 48 sheet scrolling poster unit.

## Main Issues

3. The principal issue in this case is the effect of the unit on the amenity of the area.

## Planning Policy

4. The Council have drawn attention to their policies and I have taken these into account as a material factor in my consideration of the appeal. However, as the Regulations require that the local planning authority, and the Secretary of State on appeal, shall exercise their powers only in the interests of amenity, and where applicable, public safety, taking into account any material factors, I do not consider that the Council's policies should, by themselves, be decisive in the determination of the appeal.

## Reasons

5. The appeal site is at the eastern end of the frontage to a large hotel building currently undergoing further expansion works. At present a 48 sheet ultravision unit is being displayed with consent granted on appeal in 1986. The appeal proposal is to replace the existing unit with a 48 sheet scrolling unit. This would be seen in the same context as the existing unit and in my view it would be just as acceptable. Although it would be approximately 300m higher this would not in my opinion increase the impact of the unit to any great extent. However in view of the initial confusion over the height of the appeal unit



I propose to introduce a condition to ensure that that this marginal extra height is not exceeded. I have noted the fact that the new unit would be internally rather than externally illuminated. However, whilst I accept that this form of illumination would be more intense I do not consider that it would increase awareness of the appeal unit at night to such an extent as to justify refusing consent for its display.

### Conclusions

6. For the reasons given above, therefore, and having taken account of all the material factors, I conclude that the display of the appeal unit would not be detrimental to the interests of amenity.

### Formal Decision

7. In exercise of the powers transferred to me, I allow the appeal and grant consent for the display of the internally illuminated 48 sheet scrolling unit as applied for. The consent is for five years from the date of this decision and is subject to the following special condition:-

i.) The overall height of the advertisement hereby granted consent shall not exceed 4.5m.

The following standard conditions set out in the Regulations also apply:-

- 1.) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.
  - 2.) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
  - 3.) Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.
  - 4.) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
  - 5.) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).
8. This decision does not convey any approval or consent, other than under Regulation 5 of the Regulations.

### Information

9. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.



Advertisements Appeals Inspector

## The Planning Inspectorate

### RIGHT TO CHALLENGE THE DECISION:

The attached appeal decision is final unless it is successfully challenged in the Courts. If a challenge is successful, the appeal decision will be quashed and the case returned to the First Secretary of State for re-determination. It does not follow necessarily that the original decision on the appeal will be reversed when it is re-determined.

*You may wish to consider taking legal advice before embarking on a challenge. The following notes are provided for guidance only.*

Under provision of section 288 of the Town and Country Planning Act 1990, a person who is aggrieved by a decision may seek to have it quashed by making an application to the High Court on the grounds:

1. that the decision is not within the powers of the Act, or
2. that any of the 'relevant requirements' have not been complied with; ('relevant requirements' means any requirements of the 1990 Acts or of the Tribunals and Inquiries Act 1992, or of any order, regulation or rule made under those Acts. These include the Town and Country Planning (Control of Advertisements) Regulations 1992 and the Town and Country Planning (Inquiries Procedure) rules 1974)

The two grounds noted above mean in effect that a decision cannot be challenged merely because someone does not agree with the Advert Control Officer's judgement. Those challenging a decision have to be able to show that a serious mistake was made by the Advert Control Officer when reaching his or her decision; or, for instance, that a hearing or site visit was not handled correctly, or that the appeal procedures were not carried out properly. If a mistake has been made the Court has discretion not to quash the decision if it considers the interests of the person making the challenge have not been prejudiced.

**It is important to note that such an application to the High court must be lodged with the Crown Office within 6 weeks from the date of the decision letter. This time limit cannot be extended.**

An appellant whose appeal has been allowed should note that 'a person aggrieved' may include third parties as well as the local planning authority.

If you require further advice about making a High Court challenge you should consult a solicitor, or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL. Telephone: 020 7947 6205.

## INSPECTION OF DOCUMENTS

It is the Inspectorate's policy to retain case files for a period of one year from the date on the decision letter. Any person notified of the decision can inspect the listed documents, photographs and plans within 6 weeks of the date of the decision letter. Other requests to see the appeal documents will not normally be refused. All requests should be made to Room 4/09, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, quoting the appeal reference and stating the day on which you wish to visit. Please give at least 3 day's notice and include a daytime telephone number, if possible.

## COMPLAINTS AND OTHER COMMENTS TO THE INSPECTORATE

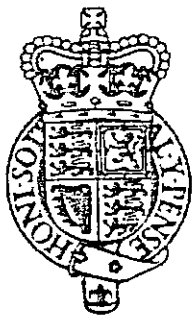
Any complaints about the decision letter, or about the way in which the case was conducted, or any procedural aspect of the appeal should only be made in writing to; the Complaints Officer in Room 4/09, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, Telephone (0117) 372 8927, quoting the appeal reference. You should normally receive a reply within 15 days of our receipt of your letter. You should not, however, we cannot reconsider an appeal on which a decision has been issued. This can be done following a successful High Court challenge as explained overleaf.

## PARLIMENTARY COMMISSIONER FOR ADMINISTRATION (THE OMBUDSMAN)

If you consider that you have been unfairly treated through maladministration on the part of the Inspectorate you can ask the Ombudsman to investigate. The Ombudsman cannot be approached direct; reference can be made to him only by an MP. Whilst this does not have to be your local MP (whose name and address will be in the local library) in most cases he or she will be the easiest person to approach. Although the Ombudsman can recommend various forms of redress he cannot alter the appeal decision in any way.

## COUNCIL ON TRIBUNALS

If you feel there was something wrong with the basic procedure used for the appeal, a complaint can be made to the 'Council on Tribunals', 22 Kingsway, London, WC2B 6LE. The Council will take the matter up if they think it comes within their scope. They are not concerned with the merits and cannot change the outcome of the appeal decision.



# Appeal Decision

Site visit made on 14 January 2003

by P Hellowell

an Advertisement Appeals Inspector appointed by the First Secretary of State.

The Planning Inspectorate  
409 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail enquiries@planning-  
inspectorate.gsi.gov.uk

Date

27 JAN 2003

Appeal Ref: APP/K5600/H/02/1102827

Swallow Hotel, Cromwell Road, Kensington, London SW5

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a failure to give notice within the prescribed period of a decision on an application for express consent.
- The appeal is made by J C Decaux against the Royal Borough of Kensington & Chelsea.
- The application (Ref.CA/02/00149) is dated 17 January 2002.
- The advertisement proposed is a poster unit.

**Summary of Decision: The appeal is allowed on the terms set out below in the Formal Decision.**

## Site and Surroundings

1. The general descriptions of the appeal premises and their surroundings as contained in the Council's statement, enclosed with their letter of 2 December 2002, are accepted.

## Proposal

2. The appeal concerns an internally illuminated 48 sheet scrolling poster unit.

## Main Issues

3. The principal issue in this case is the effect of the unit on the amenity of the area.

## Planning Policy

4. The Council have drawn attention to their policies and I have taken these into account as a material factor in my consideration of the appeal. However, as the Regulations require that the local planning authority, and the Secretary of State on appeal, shall exercise their powers only in the interests of amenity, and where applicable, public safety, taking into account any material factors, I do not consider that the Council's policies should, by themselves, be decisive in the determination of the appeal.

## Reasons

5. The appeal site is at the eastern end of the frontage to a large hotel building currently undergoing further expansion works. At present a 48 sheet ultravision unit is being displayed with consent granted on appeal in 1986. The appeal proposal is to replace the existing unit with a 48 sheet scrolling unit. This would be seen in the same context as the existing unit and in my view it would be just as acceptable. Although it would be approximately 300m higher this would not in my opinion increase the impact of the unit to any great extent. However in view of the initial confusion over the height of the appeal unit

I propose to introduce a condition to ensure that that this marginal extra height is not exceeded. I have noted the fact that the new unit would be internally rather than externally illuminated. However, whilst I accept that this form of illumination would be more intense I do not consider that it would increase awareness of the appeal unit at night to such an extent as to justify refusing consent for its display.

### Conclusions

6. For the reasons given above, therefore, and having taken account of all the material factors, I conclude that the display of the appeal unit would not be detrimental to the interests of amenity.

### Formal Decision

7. In exercise of the powers transferred to me, I allow the appeal and grant consent for the display of the internally illuminated 48 sheet scrolling unit as applied for. The consent is for five years from the date of this decision and is subject to the following special condition:-

- i.) The overall height of the advertisement hereby granted consent shall not exceed 4.5m.

The following standard conditions set out in the Regulations also apply:-

- 1.) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.
  - 2.) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
  - 3.) Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.
  - 4.) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
  - 5.) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).
8. This decision does not convey any approval or consent, other than under Regulation 5 of the Regulations.

### Information

9. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.



Advertisement Appeals Inspector

CC

The logo for JCDecaux, featuring the company name in a bold, sans-serif font. The text is enclosed in a thin black rectangular border that is open on the right side.

**JCDecaux**

**Out of Home  
Media**

JCDecaux United: 991 Great West Road - London - TW8 9DN  
Telephone: +44 (0)20 8326 7777 - Fax: +44 (0)20 8326 7775 - [www.jcdecaux.co.uk](http://www.jcdecaux.co.uk)



# JCDecaux

10 December, 2002

The Planning Inspectorate  
3/17 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	13 DEC 2002			PLANNING		
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

Out of Home  
Media

Dear Sir / Madam

**Town and Country Planning Act 1990**  
**Town and Country Planning (Control of Advertisements)**  
**Regulations 1992**

**Re: Appeal against Non-determination of Application for  
Advertisement Consent  
Swallow Hotel Cromwell Road Kensington**

Further to my letter of appeal I write with comments on the Council's appeal statement. In the first instance I would wish to correct an error in my letter of the 29<sup>th</sup> October in that JCDecaux act for the applicant Whitbread Hotels and not London Underground Property as stated.

On the contents of the appeal statement I would reject the inference that the existing ultravision unit is in some way in excess of the display permitted. Advertisement consent was granted by the Secretary of State on appeal for an externally illuminated ultravision unit of 3m x 6m. The existing display is of the same dimension, format and footprint as the approved display and is fundamentally the same. The differences between the approved display panel and the existing include a change to the advertisers logo and the introduction of a public information LED temperature and clock display. These changes do not in my opinion constitute a material alteration to the approved display panel and the LPA at no time during the application stage raised this matter with the Appellant. Paragraph 9 of Circular 5/92 recognises that minor changes can take place to displays without the need for additional consents;

*'A change of occupancy of premises may sometimes result in the need for a minor change to an advertisement, which*

Argentina  
Australia  
Austria  
Belgium  
Bosnia  
Brazil  
Bulgaria  
Croatia  
Czech Republic  
Denmark  
Finland  
France  
Germany  
Hong Kong  
Hungary  
Iceland  
Ireland  
Italy  
Japan  
Luxembourg  
Malaysia  
Netherlands  
Norway  
Philippines  
Poland  
Portugal  
Singapore  
Slovakia  
Slovenia  
Spain  
Sweden  
Switzerland  
Thailand  
**United Kingdom**  
United States  
Uruguay  
Vietnam  
Yugoslavia

JCDecaux United  
Registered office: 991 Great West Road - Brentford - Middlesex - TW8 9DN  
Telephone: +44 (0)20 8326 7777 - Fax: +44 (0)20 8326 7775 - www.jcdecaux.co.uk  
Registration number: 797437



*has previously received the LPA's express consent. The Secretary of State considers it would be reasonable for LPA's to allow minor changes without requiring another advertisement application'*

It is considered that the changes affected to the existing display are not material and do not make the existing display more obtrusive and it is spurious for the LPA to suggest otherwise.

On illumination issues, clearly there can be a difference between an externally and internally illuminated display, which has more to do with the luminance level of the light source than its form. Luminance levels can however be satisfactorily controlled through condition to ensure there is no discernible difference between the existing and proposed display. In a letter to the LPA on the 14<sup>th</sup> February 2002, copy enclosed, the issue of illumination was mentioned and advised that the levels of illumination for a scrolling unit would fall within the recommended maximum levels advised by the Institute of Lighting Engineers. The levels of luminance can be effectively controlled via a dimmer switch within the display unit. If more stringent controls are required, a condition could be imposed on a grant of consent to set this limit and ensure the display would not effect the ambient lit environment on the Cromwell Road.

On the issue of the height of the proposed display above ground level it is considered that an additional 300mm would make no discernible difference to the existing appearance of the display or how the site appears to passersby. The LPA state that if they had determined the application it would have been refused for the reason of the effect of the display on the visual amenity of the street scene in the immediate vicinity of the site. In his appeal decision the Secretary of State considered the likely effect of an illuminated advertisement display in this location on the amenity of the area and the residential uses behind. He also took into account the mix of uses and character of the area, which has largely remained the same since that decision. On these matters he states that;


*The Council are concerned about the possible effects upon the visual amenity of properties to the rear; however the garden area is separated from these properties by a substantial brick wall and a number of trees, many of which are evergreen, and the area is already floodlit. I do not*

*consider that the proposed high quality unit together with the associated additional screening would have a detrimental impact upon the residential enjoyment of those occupiers*

*The area is predominantly commercial and, in my opinion, the display of a low level ultravision unit alongside the busy Cromwell Road flanked by large buildings and with a soft natural background would not be detrimental to the general amenity of the area.*

It is my opinion that the same considerations apply today and that the change in the form of advertising display within this location would not be contrary to the interests of amenity. The area retains a commercial character where large buildings predominate. Since 1986 the volume of traffic using the Cromwell Road has increased and the road no less busy than before. It is perhaps not surprising therefore, in the circumstances of this case, that the LPA were able to advise that the proposed change to the display was likely to be granted consent. The LPA have not demonstrated why the proposed display is now unacceptable in planning terms or why the conclusions of the Secretary of State in 1986 should not prevail.

Yours faithfully,



**Martin Stephens BA (Hons) Dip.TP MRTPI  
PLANNING MANAGER**

Direct Line: 020 8326 7732

Fax No.: 020 8326 7771

Mobile: 07774 178640

E-Mail: [Martin.Stephens@JCDecaux.co.uk](mailto:Martin.Stephens@JCDecaux.co.uk)

# JCDecaux

14 February, 2002

London Borough of Kensington and Chelsea  
Planning and Conservation  
The Town Hall  
Hornton Street  
London W8 7NX

**Out of Home  
Media**

F.A.O Charlotte Cook

Dear Ms.Cook

**Town and Country Planning Act 1990**  
**Town and Country Planning (Control of Advertisements)**  
**Regulations 1992**

**Re: Application for Express Consent for the erection of a  
48 sheet Scrolling Advertisement Display on land at  
Swallow International Hotel Cromwell Road SW5**

I write further to your letter of the 31<sup>st</sup> January 2002 and our subsequent conversation.

Before I address the points raised in your letter I must first clarify several matters relating to the application as submitted. The first relates to the proposed height of the display above ground level. Contrary to what appears in the elevational drawing of the display, it is not the intention to mount the panel at a height of 4.50m above ground level. The unit dimensions are correct as appear on the drawing, however the 4.50m refers to the maximum safe height such a unit may be displayed above ground level. In this instance the unit height would be mounted 1.50m above ground level with black feather-edged fencing will mask the steel legs.

In effect the only difference between the display panel currently on site and the proposed panel is in the mechanism by which the advertisements are changes. The currently method is through the rotating blades of an 'ultra', or 'trivision' unit, whereas the proposed unit will incorporate a scrolling mechanism behind a glass face. The proposed unit and the method employed, which is

Argentina  
Australia  
Austria  
Belgium  
Bosnia  
Brazil  
Bulgaria  
Croatia  
Czech Republic  
Denmark  
Finland  
France  
Germany  
Hong Kong  
Hungary  
Iceland  
Ireland  
Italy  
Japan  
Luxembourg  
Malaysia  
Netherlands  
Norway  
Philippines  
Poland  
Portugal  
Singapore  
Slovakia  
Slovenia  
Spain  
Sweden  
Switzerland  
Thailand

**United Kingdom**

United States  
Uruguay  
Vietnam  
Yugoslavia

JCDecaux United

Registered office: 991 Great West Road - Brentford - Middlesex - TW8 9DN

Telephone: +44 (0)20 8326 7777 - Fax: +44 (0)20 8326 7775 - www.jcdecaux.co.uk

Registration number: 797437

a unique patent to JCDecaux product appears as a far more fluid mechanism.

During our conversation you raised concern over the levels of illumination for the scrolling unit. The existing advertising display was granted on appeal for an externally illuminated 48 sheet 'Ultravision' unit. The current application is for an internally illuminated display consisting of 32 x 58watt cool white fluorescent tube incorporating an adjustable brightness filter set behind the display face. The means of illumination would not be directly visible to highway users. In tests the intensity of illumination for scrolling units do not exceed the maximum level of brightness recommended by The Institute of Lighting Engineers in the Technical Report No.5 (Second Edition).

This brings us to the first point raised in your letter, which questions the position of the display panel in relation to the amended access to the site. I enclose an extract taken from the recently approved Hotel redevelopment scheme, which shows the display panel set within the landscape bed. I also enclose a further specification drawing showing the width of the proposed unit and I apologise for the absence of this dimension from the submitted drawings. In respect of the existing display, I can confirm that should consent be granted for this scrolling display unit the existing 'trivision' will be permanently removed from the site.


I trust the above and enclose address the points you raise and allay any fears you may have regarding this proposal. I do recognise the fact that such applications often tend to become contention issues. The site however has for many years been used for advertising purposes and considered an appropriate location for such a use in accordance with government guidance on outdoor displays.

A history of consents from the Local Planning Authority and Inspectors on appeal has reaffirmed this view. It is perhaps therefore not as contentious an issue as a proposal to erect and begin an advertising display on a new site. The area is predominantly commercial and the display set within a

landscaped bed with a soft natural background is not considered to detrimental affect the amenity of the area.

Please do not hesitate to contact me should you require any further information or clarification on any point.

Yours sincerely

A handwritten signature in black ink, appearing to read 'MS', with a long horizontal flourish extending to the right.

**Martin Stephens MRTPI**  
**PLANNING MANAGER**  
Direct Line: 020 8326 7725  
Fax No.: 020 8326 7771  
Mobile: 07774 178640



# The Planning Inspectorate

CC

3/17 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Direct Line 0117-3728579  
Switchboard 0117-3728000  
Fax No 0117-3728181  
GTN 1371-8579

<http://www.planning-inspectorate.gov.uk>

Ms R Gill (Dept Of Planning & Conservation)  
Kensington And Chelsea R B C  
3rd Floor  
The Town Hall  
Hornton Street  
London  
W8 7NX

Your Ref: DPS/DCSW/CC/CA/02/00149  
Our Ref: APP/K5600/H/02/1102827  
Date: 2 December 2002

Dear Madam

**TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 1992  
APPEAL BY WHITBREAD HOTEL  
SITE AT FORECOURT-SWALLOW HOTEL, CROMWELL ROAD, KENSINGTON, SW5**

I refer to the above mentioned appeal.

You were informed by the Inspectorate's letter of 11 November 2002 that, following the Council's refusal of consent, an appeal had been received and that your written statement, together with any other necessary documents, should be sent within 3 weeks from the date you received the appeal forms direct from the appellant(s).

We have not yet received your statement and I must urgently ask that you send this to us immediately. A copy should be sent direct to the appellants. Failing this, would you please let us, and the appellant's agent, have an explanation as to why this cannot be done.

A copy of this letter is being sent to the appellant's agent.

Yours faithfully

*SJ Banwell*

Miss Sarah Banwell

*Telephoned SB 2.35 3/12.*

*She confirmed she had rec'd a statement.*

*cc.*

EX DIR	HDC	TP	CAC	AD	GLH	AO AK
R.B.	9 DEC 2002				PLANNING	
K.C.	N	C	SW	SE	APP	IO REC
APP FUNDING FEES						

*62*

**PLANNING AND CONSERVATION**

**THE ROYAL  
BOROUGH OF**

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS



**FAX COVER SHEET**

**KENSINGTON  
AND CHELSEA**

---

**To:** Sarah Banwell  
**Company:** The Planning Inspectorate  
**Fax Number:** 0117 372 8181

**From:** Charlotte Cook  
**Section:** South East Team  
**Fax Number:** 020 7361 3463  
**Phone Number:** 020 7361 2664  
**Email:** Charlotte.Cook@rbkc.gov.uk

**Date and Time:** 02 December 2002 - 16:33  
**Pages (inc. this one):** 6

**Re:** 147c Cromwell Road, London, SW7 4DW

---

Urgent     For your review     Reply ASAP     Please comment

Miss Banwell,

Please find attached the Council's statement in respect of the above appeal. In view of the bulk of the appendices, I have not included them in this fax.

A full copy (including appendices) has been dispatched first class post this afternoon.

Regards,

Charlotte Cook  
Deputy Area Planning Officer

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R B K C

JOB #893

DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	STATUS
001 12/02	4:30P	01179878181	EC--S	01'59"	006	OK L1

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**PLANNING AND CONSERVATION**

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THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

---

Department of Transport,  
Local Government and the Regions,  
3/17 Eagle Wing,  
Temple Quay House,  
2 The Square, Temple Quay,  
Bristol, BS1 6PN

---

Switchboard: 020-7937-5464  
Direct Line: 020-7361-2081  
Extension: 2081  
Facsimilie: 020-7361-3463



**KENSINGTON  
AND CHELSEA**

---

Date: 02 December 2002

My Ref: DPS/DCSW/CA/02/00149/CC  
ODPM's Reference: App/K5600/H/02/1102827

Please ask for: Rebecca Gill

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeal relating to: Swallow International Hotel, 147C/149, Cromwell Road, London,  
SW5 0TH**

With reference to the appeal on the above premises, I attach a copy of this Council's Statement.

The appellant has been sent a copy direct.

Yours faithfully,

**M.J. FRENCH**

Executive Director, Planning and Conservation

Enc.

---

**PLANNING AND CONSERVATION**

---

THE TOWN HALL HORNTON STREET LONDON W8 7NX

---

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

---

J.C. Decaux,  
991 Great West Road,  
Brentford,  
TW8 9DN

Switchboard: 020-7937-5464  
Direct Line: 020-7361- 2664  
Extension: 2664  
Facsimile: 020-7361-3463

---

---

**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

---

---

Date: 02 December 2002

My Ref: DPS/DCSW/CA/02/00149/CC  
ODPM's Reference: App/K5600/H/02/1102827 Please ask for: Charlotte Cook

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeal relating to: Swallow International Hotel, 147C/149, Cromwell Road, London,  
SW5 0TH**

With reference to your appeal on the above address(es) enclosed you will find the Council's Statement and attached documents as necessary.

Yours faithfully,

**M.J. FRENCH**

Executive Director, Planning and Conservation

Enc.

# PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Office of the Deputy Prime Minister  
3/17 Eagle Wing  
Temple Quay House  
2 The Square, Temple Quay,  
BRISTOL BS1 6PN

Switchboard: 020 7937 5464  
Extension: 2664  
Direct Line: 020 7361 2664  
Facsimile: 020 7361 3463  
Email: Charlotte.Cook@rbkc.gov.uk  
Web: www.rbkc.gov.uk

2<sup>nd</sup> December 2002

My reference: DPS/DCSW/CC/ CA /02/149 Your reference: APP/K5600/H/02/ 1102827 Please ask for: Charlotte Cook

Dear Sir/Madam,

## **Town and Country Planning (Control of Advertisements) Regulations 1992 Appeal by Whitbread Hotel Relating to 147c Cromwell Road, London, SW7 4DW**

I write with reference to the current appeal against the non-determination of an application for Advertisement Consent, submitted by Whitbread Hotel Company on 21<sup>st</sup> January 2002. The application was submitted for consent to display a single 48-sheet advertisement unit, to be located on the grassed frontage on the Cromwell Road frontage of the site. This letter and enclosures constitute the written statement of the Royal Borough of Kensington and Chelsea.

### 1. Background

The application was registered on 25<sup>th</sup> January 2002. Advertisement Consent was sought for the erection and display of a 48 sheet hoarding to replace an existing hoarding in the same position on the hotel forecourt, which would include a scrolling advertisement display with internal illumination. A site location plan is attached at Appendix 1, which identifies the position of the hoarding. The existing hoarding has external illumination from a projecting trough light, and 'ultravision' panels which include vertical blades, rotating at intervals to display three different advertisements (see Appendix 2).

At the time of writing this letter, 147c Cromwell Road is a construction site, with hoardings across the Cromwell Road frontage, and including a number of internally illuminated advertisement hoardings positioned above the height of the hoarding enclosure to the site. The original 'ultravision' advertisement hoarding has been retained behind one of the temporary advertisement hoardings, as indicated on the photographs attached at Appendix 2.

In the course of considering the application, the Local Planning Authority advised the applicants that the height of the proposed replacement hoarding, as indicated on the originally submitted (unnumbered) drawing would be unacceptable. The drawing indicated that the replacement hoarding would be erected 4.5m above ground level, standing a total of approximately 8.8m to the top of the advertisement. It is apparent that the drawing was a standard issue, not specific to this particular site, which indicated the *maximum* safe above ground level. In order to reduce ambiguity, a revised drawing was submitted on 18<sup>th</sup> February 2002, although this drawing did not specify the height above ground level. However, the accompanying letter from JCDecaux dated 14<sup>th</sup> February 2002 did indicate that it was intended to erect the hoarding at 1.5m above ground level. A revised layout drawing was also

requested, as the original submission (Drawing MGS A 45) did not accurately reflect the layout of the front forecourt, nor the position of the hoarding.

It is apparent that the existing hoarding has been altered since the original installation approved in 1986, and now includes an internally illuminated JCDecaux sign at the bottom of the hoarding, together with an LCD temperature and time display. The trough lighting supports also appear to be a new feature. In essence, it is considered that the existing hoarding differs from the more moderate hoarding which was granted consent at appeal in 1986.

In the Council's opinion, whilst the existing hoarding is a material consideration, the appeal proposal represents a worsening of the situation. The use of internal illumination is considered to be more eye-catching than the existing external illumination, and would therefore draw greater attention to the hoarding. Furthermore, the 1986 scheme related to a hoarding erected on a 4 foot plinth. The proposal would raise this by approximately 1 foot, to 5 foot high (1.5m as compared to 1.2m), thereby further increasing its prominence.

Although a decision was not issued in respect of the appeal application prior to the submission of the appeal, had the Council had the opportunity to do so, consent would have been refused for the following reason:

**“The proposed internally illuminated advertisement hoarding would, by reason of its prominent position, design and method of illumination, be injurious to the visual amenity of the street scene in the immediate vicinity of the site, as well as views into the adjoining conservation area. It would also conflict with Policies CD54, CD68 and CD71 of the Unitary Development Plan”**

## 2. Site Description

The appeal site is situated on the south side of the A4 Cromwell Road, which is a Red Route and a trunk road. The site is not itself designated as a conservation area, however, the boundary of the Courtfield Conservation Area is immediately behind the advertisement hoarding, running along the rear boundaries of the Collingham Place properties. On the opposite side of the road is the Lexham Gardens Conservation Area. A plan showing the location of the site in relation to the adjoining conservation areas is included at Appendix 3.

The appeal site comprises a triangular shaped piece of land, above the London Underground District Line. The site was developed in the early 1970's for a hotel. The site houses a nine storey hotel, with podium, together with a landscaped forecourt. Works are currently underway in connection with the modernisation of the building and its façade, in order to upgrade the appearance of the hotel and the front forecourt area. Considerable effort has been invested in achieving significant improvements to the entire site.

The existing hoarding is situated at the eastern end of the forecourt, backing directly onto the residential properties which front Collingham Place. With the exception of this hotel, the south side of Cromwell Road either side of the appeal site is dominated by residential buildings. Residential buildings also abut the site at the rear.

## 3. Relevant Site History

An application was submitted in February 1986 for consent to display an externally illuminated 'ultravision' unit on the forecourt of the hotel. Consent was refused in April 1986, as it was considered that the hoarding would result in "an unacceptable loss of amenity, by contributing to visual clutter, by detracting from the open nature of this forecourt area, and by reducing residential amenity and outlook

to the residential properties to the rear of the unit". An appeal was subsequently lodged, which was allowed on 1<sup>st</sup> October 1986 for a period of five years.

Planning permission was granted on 29<sup>th</sup> November 2001 for the construction of a new full height atrium and other external alterations to the London International Hotel (formerly the Swallow Hotel) in conjunction with its upgrading from a two to a five star Marriott hotel. These works are currently underway.

Advertisement Consent for the display of an internally illuminated 20m x 4.5m temporary advertisement hoarding on the front of the site was refused consent on 30<sup>th</sup> April 2002. A copy of the decision letter is attached at Appendix 4.

A further application for Advertisement Consent to retain a 12m wide x 19m high illuminated shroud banner on the front elevation of the new atrium was refused on 23<sup>rd</sup> October 2002. A copy of the decision letter is also attached at Appendix 4. An appeal has been lodged against the decision of the Council. In the meantime, the advertisement is still being displayed.

The Council is also considering a current application for Advertisement Consent to display six non-illuminated advertisements on the existing hoarding around the construction site. No decision has yet been issued in respect of this application.

#### 4. Land Use Allocation

The appeal site is not designated on the Proposals Map of the Unitary Development Plan 2002 as having a particular land use allocation.

#### 5. Advertisement Control Policy

The Unitary Development Plan (UDP) is up to date, having been formally adopted on 25<sup>th</sup> May 2002. The UDP policies relevant to this appeal are CD68 (Advertisements) and CD71 (Hoardings). Policy CD54 deals with proposals affecting views into and out of conservation areas. Copies of these policies are attached at Appendix 5. The Royal Borough would draw the Inspector's attention to the fact that whilst permanent advertisement hoardings are considered to be an unwelcome feature in the street scene, temporary hoardings to screen building sites or unsightly land are given careful consideration and may indeed be deemed to be welcome in some situations.

#### 6. Comments on the Appeal

The Royal Borough is concerned that the Appeal appears to have been submitted after the deadline for appeals of this nature.

#### 7. Conclusion

The Royal Borough, as local planning authority, considers that the proposed advertisement would be harmful to visual amenity, and as such, the Inspector is respectfully requested to dismiss the appeal.

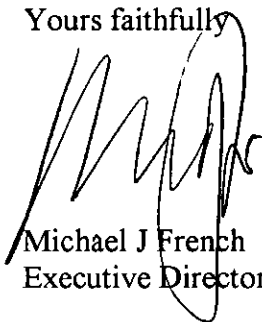
8. Conditions

If the Inspector is minded to allow the appeal, it is requested that the standard Advertisement Consent conditions are attached to the decision.

9. Appendices

- Appendix 1 - Site location plan, including location of the hoarding on the forecourt.
- Appendix 2 - Photographs of the appeal site (February 2002 and November 2002).
- Appendix 3 - Plan showing the location of the site in relation to adjoining conservation areas.
- Appendix 4 - Decision letters for previous advertisement applications on the site.
- Appendix 5 - UDP Policies CD54, CD68 and CD71.

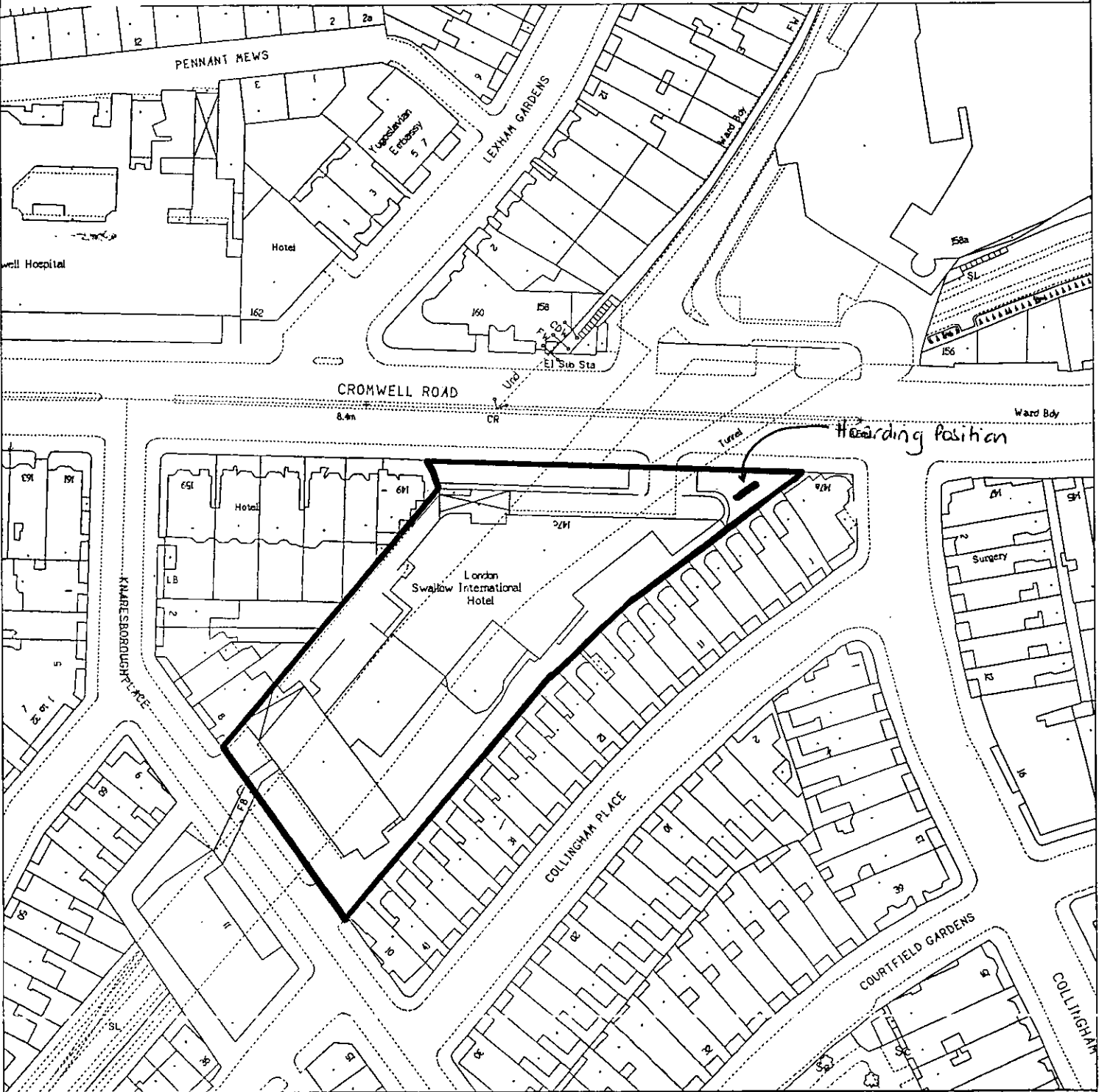
Yours faithfully



Michael J French  
Executive Director Planning and Conservation

RBKC - Planning and Conservation - Card Index - Site Map

147C CROMWELL ROAD



Ordnance Survey Map Extract - Crown Copyright Reserved - RBKC Internal Use Only

QuickMap(02/12/2002)

Map width : 243.74m

Scale 1 : 1250

Close Views of Existing 'Ultravision' Hoarding (11<sup>th</sup> February 2002)





Long Views of Existing 'Ultravision' Hoarding (11<sup>th</sup> February 2002)

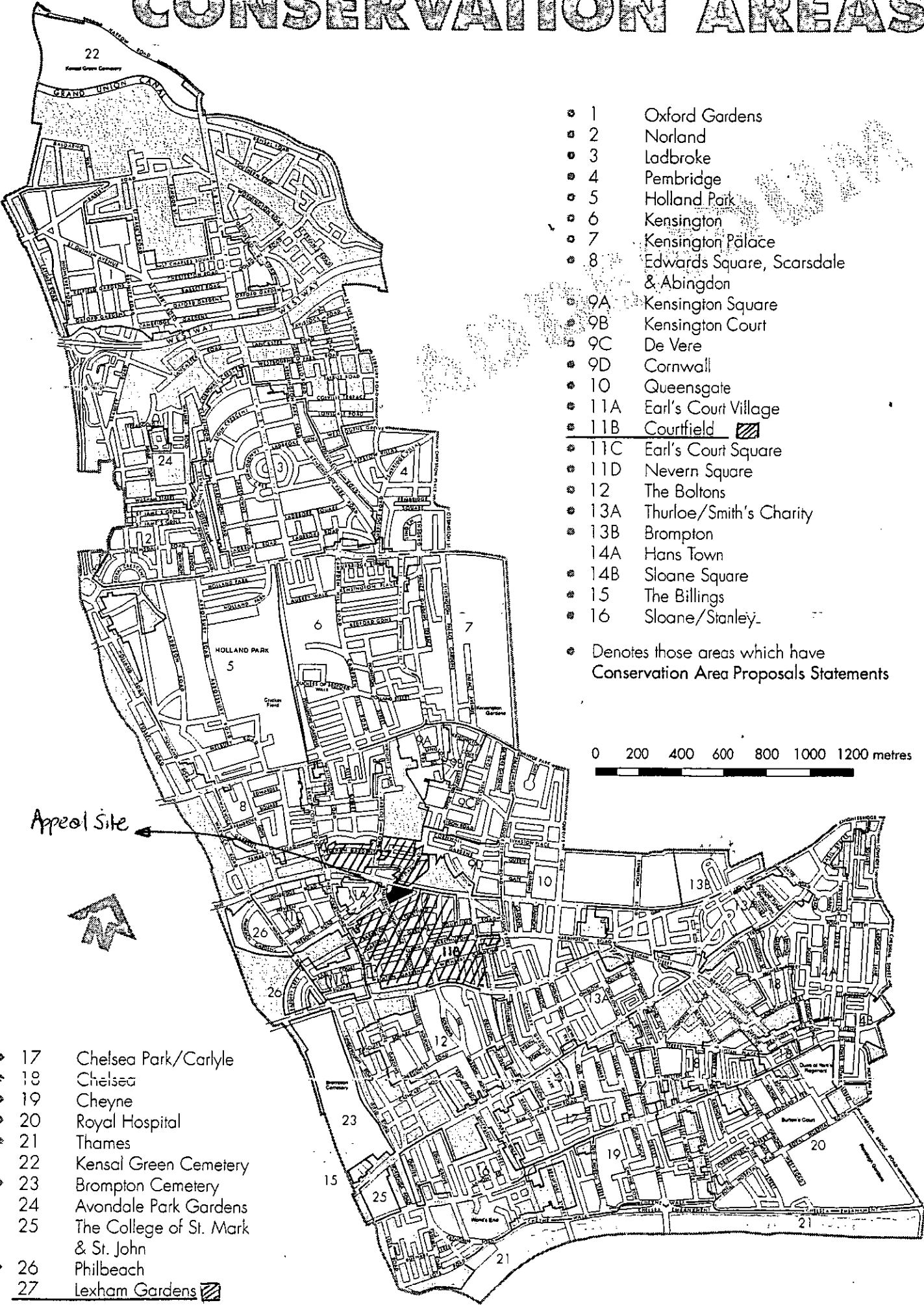


Existing 'Ultravision' Hoarding Behind Temporary Hoardings at  
Construction Site (taken 27<sup>th</sup> November 2002)

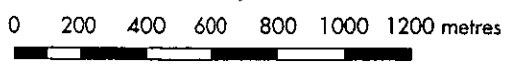


27 11 '02

# The Royal Borough's CONSERVATION AREAS



- 1 Oxford Gardens
  - 2 Norland
  - 3 Ladbroke
  - 4 Pembridge
  - 5 Holland Park
  - 6 Kensington
  - 7 Kensington Palace
  - 8 Edwards Square, Scarsdale & Abingdon
  - 9A Kensington Square
  - 9B Kensington Court
  - 9C De Vere
  - 9D Cornwall
  - 10 Queensgate
  - 11A Earl's Court Village
  - 11B Courtfield
  - 11C Earl's Court Square
  - 11D Nevern Square
  - 12 The Boltons
  - 13A Thurloe/Smith's Charity
  - 13B Brompton
  - 14A Hans Town
  - 14B Sloane Square
  - 15 The Billings
  - 16 Sloane/Stanhøj.
- Denotes those areas which have Conservation Area Proposals Statements



Appeal Site



- 17 Chelsea Park/Carlyle
- 18 Chelsea
- 19 Cheyne
- 20 Royal Hospital
- 21 Thames
- 22 Kensal Green Cemetery
- 23 Brompton Cemetery
- 24 Avondale Park Gardens
- 25 The College of St. Mark & St. John
- 26 Philbeach
- 27 Lexham Gardens

**PLANNING AND CONSERVATION**

**THE ROYAL  
BOROUGH OF**

**THE TOWN HALL HORNTON STREET LONDON W8 7NX**

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS



**KENSINGTON  
AND CHELSEA**

JCDecaux,  
991 Great West Road,  
Brentford,  
Middlesex  
TW8 9DN

Switchboard: 020-7937-5464  
Direct Line: 020-7361-2057  
Extension: 2057  
Facsimile: 020-7361-3463

**30 APR 2002**

My Ref: CA/02/00457/CADV/  
Your Ref:

Please ask for: South West Area Team

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT, 1990**

**TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)  
REGULATIONS 1992**

**REFUSAL OF CONSENT TO DISPLAY ADVERTISEMENT(S) (DA2)**

The Borough Council in pursuance of their powers under the above-mentioned Act and Regulations, hereby REFUSE consent to the advertisement (s) referred to in the under-mentioned schedule as shown in the plans submitted. Your attention is drawn to the enclosed Advertisement Information sheet.

**SCHEDULE**

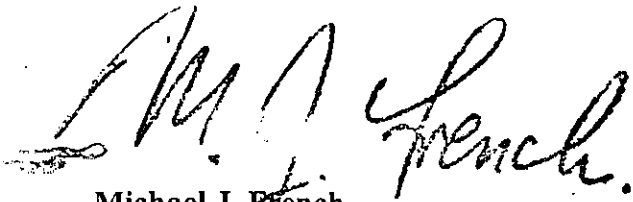
<b><u>DEVELOPMENT:</u></b>	The erection and display for a temporary period of one year of an illuminated advert display measuring approximately 20.5m long by 5.3m high.
<b><u>SITE ADDRESS:</u></b>	Swallow International Hotel, 147C/149, Cromwell Road, London, SW5 0TH
<b><u>RBK&amp;C Drawing Nos:</u></b>	CA/02/00457
<b><u>Applicant's Drawing Nos:</u></b>	One unnumbered site location plan, MGSA 66/01, MGSA 66/02, and one unnumbered photomontage.
<b><u>Application Dated:</u></b>	21/02/2002
<b><u>Application Completed:</u></b>	26/02/2002

**REASON(S) FOR REFUSAL OF PERMISSION ATTACHED OVERLEAF**

REASON(S) FOR REFUSAL:

1. The proposed advertisement, by reason of its size, method of illumination, position above ground level and location on a prominent route through the Royal Borough, would be harmful to visual amenity. It would also conflict with Policy CD68 of the Unitary Development Plan, and alterations thereto.

Yours faithfully,

A handwritten signature in black ink, appearing to read "M. J. French". The signature is written in a cursive style with a large initial "M" and "J".

Michael J. French  
Executive Director, Planning and Conservation

---

**PLANNING AND CONSERVATION**

**THE ROYAL  
BOROUGH OF**

---

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

---

Mega Profile Ltd.,  
35 Percy Street,  
London  
W1T 2DQ

Switchboard: 020-7937-5464  
Direct Line: 020-7361-2977  
Extension: 2977  
Facsimile: 020-7361-3463



**KENSINGTON  
AND CHELSEA**

23 October 2002

---

My Ref: CA/02/02061/CADV/  
Your Ref:

Please ask for: South West Area Team

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT, 1990**

**TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)  
REGULATIONS 1992**

**REFUSAL OF CONSENT TO DISPLAY ADVERTISEMENT(S) (DA2)**

The Borough Council in pursuance of their powers under the above-mentioned Act and Regulations, hereby REFUSE consent to the advertisement (s) referred to in the under-mentioned schedule as shown in the plans submitted. Your attention is drawn to the enclosed Advertisement Information sheet.

**SCHEDULE**

**DEVELOPMENT:** Retention of a 12 metre wide by 19 metre high illuminated shroud banner sign.

**SITE ADDRESS:** London Marriott Hotel, 147C, Cromwell Road, London, SW5 0TH

**RBK&C Drawing Nos:** CA/02/02061

**Applicant's Drawing Nos:** GAE-180, photograph showing proposal, lighting specification.

**Application Dated:** 30/08/2002

**Application Completed:** 12/09/2002

**REASON(S) FOR REFUSAL OF PERMISSION ATTACHED OVERLEAF**

**REASON(S) FOR REFUSAL:**

1. **The hoarding is unsympathetic to the Conservation Area and the building on which it is fixed, and is detrimental to views from surrounding Conservation Areas. The size, scale, siting, design, materials and illumination of the advertisement hoarding harm the appearance of the street scene and the surrounding area, contrary to the Council's Policies contained in the Unitary Development Plan, in particular Policies CD25, CD52, CD53, CD54 and CD68.**

**INFORMATIVE(S)**

You are advised that a number of relevant policies of the Unitary Development Plan were used in the determination of this case, in particular, Policies CD25, CD52, CD53, CD54 and CD68. (I51)

Yours faithfully,

**Michael J. French**  
Executive Director, Planning and Conservation

## Development in Conservation Areas

4.5.9 The Borough contains some of the best examples of Victorian and Edwardian townscape in London. Overall, the residential environment is of the highest quality. This environmental quality is evident not only in the public realm, but also at the rear and sides of properties, particularly, around areas of private gardens. Residents appreciation and enjoyment of the special character and appearance of conservation areas derives from both public viewpoints and views from within their dwellings. In applying these policies, the Council will consider not only the street scene, but views from other buildings and gardens, as these are also important to residents' amenities. ~~The Council, therefore, will seek to protect or enhance this by rigorously applying the policies in this chapter to control development in conservation areas. In exercising such control;~~ In particular, careful regard will be had to the content of Conservation Area Proposals Statements.

**CD52 TO ENSURE THAT ANY DEVELOPMENT IN A CONSERVATION AREA PRESERVES AND OR ENHANCES THE CHARACTER OR APPEARANCE OF THE AREA.**

**CD53 TO ENSURE THAT ALL DEVELOPMENT IN CONSERVATION AREAS IS TO A HIGH STANDARD OF DESIGN AND IS COMPATIBLE WITH:**

a) CHARACTER, SCALE AND PATTERN;

b) BULK AND HEIGHT;


c) PROPORTION AND RHYTHM;

d) ROOFSCAPE;

e) MATERIALS;

f) LANDSCAPING AND BOUNDARY TREATMENT;

**OF SURROUNDING DEVELOPMENT.**

 **CD54 TO CONSIDER THE EFFECT OF PROPOSALS ON VIEWS IDENTIFIED IN THE COUNCIL'S CONSERVATION AREA PROPOSALS STATEMENTS, AND GENERALLY WITHIN, INTO, AND OUT OF CONSERVATION AREAS, AND THE EFFECT OF DEVELOPMENT ON SITES ADJACENT TO SUCH AREAS.**

4.5.10 In order for the Council to consider fully and in detail any proposals for new buildings, alterations, or extensions which will affect the character or appearance of a conservation area, sufficient information must be supplied with any planning application.





**CD68 TO RESIST ADVERTISEMENTS IF:**

- a) **BY REASON OF SIZE, SITING, DESIGN, MATERIALS OR ILLUMINATION THEY WOULD HARM THE APPEARANCE OF A BUILDING OR THE STREET SCENE; OR**
- b) **THEY WOULD ADVERSELY AFFECT PUBLIC SAFETY.**

4.6.12 Certain types of advertisements can cause particular harm to the appearance of buildings and the street scene, and the Council will therefore discourage the following: freestanding advertisements on forecourts, signs or advertisements above fascia level, and more than one projecting sign per shop unit. The Council will exercise firm control over advertisements in conservation areas and on listed buildings. Illuminated box signs are particularly inappropriate in these areas and on such buildings.

4.6.13 Projecting signs should be located at fascia level and should not damage original mouldings or console brackets. Size, design and illumination will be carefully controlled.

**Blinds, Awnings and Flags**

4.6.14 The Council considers that it is important to control blinds, awnings and flags because, if poorly designed or over-prominent, they can detract from the appearance of buildings and be obtrusive features in the street scene.

**CD69 TO PERMIT AWNINGS OR BLINDS WHICH ARE IN CHARACTER WITH THE AGE AND STYLE OF THE BUILDING IN WHICH THEY ARE SITUATED.**

4.6.15 Permission will only be granted for blinds which have no adverse impact on the quality of the street scene. Curved rigid-framed blinds will generally be discouraged and will not usually be acceptable in conservation areas or on listed buildings.

4.6.16 Bright, fluorescent, glossy or metallic finish blinds, and those which obscure fascias will generally be discouraged.

4.6.17 Blinds will generally not be permitted above first floor cill level.

4.6.18 Flagpoles in limited numbers can be a lively feature in commercial streets. However, the street scene may be harmed by an uncontrolled proliferation of flags. This is particularly so in predominantly residential areas.

**CD70 TO PERMIT FLAGPOLES UNLESS THEIR SITING WOULD HARM THE CHARACTER OF AN AREA OR WOULD NOT PRESERVE OR ENHANCE THE CHARACTER AND OR APPEARANCE OF A CONSERVATION AREA.**

## Hoardings

- 4.6.19 Advertisement hoardings, either free-standing or attached to buildings, are generally considered to be unacceptable as permanent features of the street scene as they detract from townscape quality.



### **CD71 TO RESIST THE ERECTION OF PERMANENT HOARDINGS.**

- 4.6.20 Temporary hoardings may be approved where they can be advantageously used for screening of building sites or land which is unsightly and where such hoardings would not in themselves be injurious to amenity or constitute a danger to public safety. In the case of buildings in need of refurbishment, consent for an advertising hoarding will only be granted when a contract has been let for the works.

## Estate Agents' Boards

- 4.6.21 The proliferation of estate agents' boards in the Borough has been curbed through the identification of areas where they may not be displayed without express consent. Within these areas, advertisement consent will be required for any estate agents' board. These areas, subject to the Secretary of State's direction, will be periodically reviewed. Agents are advised to check with the local planning authority whether or not an area is subject to special controls before erecting boards.

## 4.7 TREES

(See also Planning Standards Chapter)

- 4.7.1 Trees in cities are a valuable amenity which once removed can rarely be adequately replaced; it is often only when a tree has been removed, that its value becomes apparent. Trees act as screens; they provide privacy and mask unwelcome views. Trees are valuable as contrast and relief to bricks and mortar and can be complementary to new developments. Trees act as barriers to wind and noise and as a filter to pollution. They are also a wildlife resource. The following section reflects the duty placed on local authorities, under section 197 of the Act, to include appropriate provision for the preservation and planting of trees by the imposition of planning conditions in granting planning permission.

### **CD72 TO RESIST DEVELOPMENT PROPOSALS THAT WOULD RESULT IN UNNECESSARY DAMAGE OR LOSS OF TREES.**

### **CD73 TO ENCOURAGE THE PLANTING OF TREES, PARTICULARLY IN NEW DEVELOPMENT.**

- 4.7.2 The Council recognises the importance of trees as valuable elements of the urban landscape. The consent of the Council must be obtained if it is proposed to cut down, prune (lop, top), uproot or destroy any tree which is the subject of a Tree Preservation Order (TPO). Most of the significant trees in the Borough are already protected by TPOs but the Council will continue to make new Orders where particular trees or groups of trees are threatened. Trees in conservation areas are also protected. Six weeks notice must be given to the Council if it is proposed to carry out any work to a

**Cook, Charlotte: PC-PlanSvc**

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**From:** Thorne, John W.: PC-PlanSvc  
**Sent:** 26 November 2002 15:53  
**To:** Cook, Charlotte: PC-PlanSvc  
**Subject:** 147c Cromwell Road

I am given to understand there is no reason why a resolution that permission/consent would have been refused (had an appeal against non-determination not been submitted) cannot be made under delegated powers if the application falls within that remit.

Possibility 1 is therefore a delegated report in which the recommendation is: In the absence of an appeal against non-determination, permission/consent would have been refused for the following reason(s).

Logically however, as the powers are delegated to the EDPC, if your statement is in the form of a letter, Possibility 2 is for it to contain a paragraph stating: 'Although a decision was not issued in respect of the appeal application prior to the submission of the appeal, had the Council the opportunity to do so, permission/consent would have been refused for the following reasons:' This would then have to be for MJF signature and the appeal letter cut and pasted into the report slot in Acolaid as well as in the appeals screen.

-JT

# PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Office of the Deputy Prime Minister  
3/17 Eagle Wing  
Temple Quay House  
2 The Square, Temple Quay,  
BRISTOL BS1 6PN

Switchboard: 020 7937 5464  
Extension: 2664  
Direct Line: 020 7361 2664  
Facsimile: 020 7361 3463  
Email: Charlotte.Cook@rbkc.gov.uk  
Web: www.rbkc.gov.uk

2<sup>nd</sup> December 2002

My reference: DPS/DCSW/CC/ CA /02/149 Your reference: APP/K5600/H/02/ 1102827 Please ask for: Charlotte Cook

Dear Sir/Madam,

## **Town and Country Planning (Control of Advertisements) Regulations 1992 Appeal by Whitbread Hotel Relating to 147c Cromwell Road, London, SW7 4DW**

I write with reference to the current appeal against the non-determination of an application for Advertisement Consent, submitted by Whitbread Hotel Company on 21<sup>st</sup> January 2002. The application was submitted for consent to display a single 48-sheet advertisement unit, to be located on the grassed frontage on the Cromwell Road frontage of the site. This letter and enclosures constitute the written statement of the Royal Borough of Kensington and Chelsea.

### 1. Background

The application was registered on 25<sup>th</sup> January 2002. Advertisement Consent was sought for the erection and display of a 48 sheet hoarding to replace an existing hoarding in the same position on the hotel forecourt, which would include a scrolling advertisement display with internal illumination. A site location plan is attached at Appendix 1, which identifies the position of the hoarding. The existing hoarding has external illumination from a projecting trough light, and 'ultravision' panels which include vertical blades, rotating at intervals to display three different advertisements (see Appendix 2).

At the time of writing this letter, 147c Cromwell Road is a construction site, with hoardings across the Cromwell Road frontage, and including a number of internally illuminated advertisement hoardings positioned above the height of the hoarding enclosure to the site. The original 'ultravision' advertisement hoarding has been retained behind one of the temporary advertisement hoardings, as indicated on the photographs attached at Appendix 2.

In the course of considering the application, the Local Planning Authority advised the applicants that the height of the proposed replacement hoarding, as indicated on the originally submitted (unnumbered) drawing would be unacceptable. The drawing indicated that the replacement hoarding would be erected 4.5m above ground level, standing a total of approximately 8.8m to the top of the advertisement. It is apparent that the drawing was a standard issue, not specific to this particular site, which indicated the *maximum* safe above ground level. In order to reduce ambiguity, a revised drawing was submitted on 18<sup>th</sup> February 2002, although this drawing did not specify the height above ground level. However, the accompanying letter from JCDecaux dated 14<sup>th</sup> February 2002 did indicate that it was intended to erect the hoarding at 1.5m above ground level. A revised layout drawing was also

requested, as the original submission (Drawing MGS A 45) did not accurately reflect the layout of the front forecourt, nor the position of the hoarding.

It is apparent that the existing hoarding has been altered since the original installation approved in 1986, and now includes an internally illuminated JCDecaux sign at the bottom of the hoarding, together with an LCD temperature and time display. The trough lighting supports also appear to be a new feature. In essence, it is considered that the existing hoarding differs from the more moderate hoarding which was granted consent at appeal in 1986.

In the Council's opinion, whilst the existing hoarding is a material consideration, the appeal proposal represents a worsening of the situation. The use of internal illumination is considered to be more eye-catching than the existing external illumination, and would therefore draw greater attention to the hoarding. Furthermore, the 1986 scheme related to a hoarding erected on a 4 foot plinth. The proposal would raise this by approximately 1 foot, to 5 foot high (1.5m as compared to 1.2m), thereby further increasing its prominence.

Although a decision was not issued in respect of the appeal application prior to the submission of the appeal, had the Council had the opportunity to do so, consent would have been refused for the following reason:

**“The proposed internally illuminated advertisement hoarding would, by reason of its prominent position, design and method of illumination, be injurious to the visual amenity of the street scene in the immediate vicinity of the site, as well as views into the adjoining conservation area. It would also conflict with Policies CD54, CD68 and CD71 of the Unitary Development Plan”**

## 2. Site Description

The appeal site is situated on the south side of the A4 Cromwell Road, which is a Red Route and a trunk road. The site is not itself designated as a conservation area, however, the boundary of the Courtfield Conservation Area is immediately behind the advertisement hoarding, running along the rear boundaries of the Collingham Place properties. On the opposite side of the road is the Lexham Gardens Conservation Area. A plan showing the location of the site in relation to the adjoining conservation areas is included at Appendix 3.

The appeal site comprises a triangular shaped piece of land, above the London Underground District Line. The site was developed in the early 1970's for a hotel. The site houses a nine storey hotel, with podium, together with a landscaped forecourt. Works are currently underway in connection with the modernisation of the building and its façade, in order to upgrade the appearance of the hotel and the front forecourt area. Considerable effort has been invested in achieving significant improvements to the entire site.

The existing hoarding is situated at the eastern end of the forecourt, backing directly onto the residential properties which front Collingham Place. With the exception of this hotel, the south side of Cromwell Road either side of the appeal site is dominated by residential buildings. Residential buildings also abut the site at the rear.

## 3. Relevant Site History

An application was submitted in February 1986 for consent to display an externally illuminated 'ultravision' unit on the forecourt of the hotel. Consent was refused in April 1986, as it was considered that the hoarding would result in "an unacceptable loss of amenity, by contributing to visual clutter, by detracting from the open nature of this forecourt area, and by reducing residential amenity and outlook

to the residential properties to the rear of the unit". An appeal was subsequently lodged, which was allowed on 1<sup>st</sup> October 1986 for a period of five years.

Planning permission was granted on 29<sup>th</sup> November 2001 for the construction of a new full height atrium and other external alterations to the London International Hotel (formerly the Swallow Hotel) in conjunction with its upgrading from a two to a five star Marriott hotel. These works are currently underway.

Advertisement Consent for the display of an internally illuminated 20m x 4.5m temporary advertisement hoarding on the front of the site was refused consent on 30<sup>th</sup> April 2002. A copy of the decision letter is attached at Appendix 4.

A further application for Advertisement Consent to retain a 12m wide x 19m high illuminated shroud banner on the front elevation of the new atrium was refused on 23<sup>rd</sup> October 2002. A copy of the decision letter is also attached at Appendix 4. An appeal has been lodged against the decision of the Council. In the meantime, the advertisement is still being displayed.

The Council is also considering a current application for Advertisement Consent to display six non-illuminated advertisements on the existing hoarding around the construction site. No decision has yet been issued in respect of this application.

#### 4. Land Use Allocation

The appeal site is not designated on the Proposals Map of the Unitary Development Plan 2002 as having a particular land use allocation.

#### 5. Advertisement Control Policy

The Unitary Development Plan (UDP) is up to date, having been formally adopted on 25<sup>th</sup> May 2002. The UDP policies relevant to this appeal are CD68 (Advertisements) and CD71 (Hoardings). Policy CD54 deals with proposals affecting views into and out of conservation areas. Copies of these policies are attached at Appendix 5. The Royal Borough would draw the Inspector's attention to the fact that whilst permanent advertisement hoardings are considered to be an unwelcome feature in the street scene, temporary hoardings to screen building sites or unsightly land are given careful consideration and may indeed be deemed to be welcome in some situations.

#### 6. Comments on the Appeal

The Royal Borough is concerned that the Appeal appears to have been submitted after the deadline for appeals of this nature.

#### 7. Conclusion

The Royal Borough, as local planning authority, considers that the proposed advertisement would be harmful to visual amenity, and as such, the Inspector is respectfully requested to dismiss the appeal.

8. Conditions

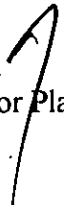
If the Inspector is minded to allow the appeal, it is requested that the standard Advertisement Consent conditions are attached to the decision.

9. Appendices

- Appendix 1 - Site location plan, including location of the hoarding on the forecourt.
- Appendix 2 - Photographs of the appeal site (February 2002 and November 2002).
- Appendix 3 - Plan showing the location of the site in relation to adjoining conservation areas.
- Appendix 4 - Decision letters for previous advertisement applications on the site.
- Appendix 5 - UDP Policies CD54, CD68 and CD71.

Yours faithfully

Michael J French  
Executive Director Planning and Conservation



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**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

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Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

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Mills and Allen  
Summit House  
27 Sale Place  
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W2 1YR

Switchboard: 020 7361 5464  
Extension: 2275  
Direct Line: 020 7361 2275  
  
Facsimile: 020 7361 3463



**KENSINGTON  
AND CHELSEA**

---

25 October 2000

---

My reference: DPS/DCSW/RT/ CA/Pending  
Your reference:

Please ask for: Roy Thompson

Dear Mr Kosciem,

**Town and Country Planning Act 1990  
Poster panel at Swallow Hotel, Cromwell Road**

Thank you for your letter dated 17<sup>th</sup> October, concerning the above.

Having visited the site and taken legal opinion, it is my view that the proposed illuminated hoarding will require Advertisement Consent. I would however add that in my opinion such consent would be likely to be forthcoming given the location of the sign, on the understanding that the dimensions of the hoarding would be no larger than and in the same location as the existing, and the luminance is properly controlled.

Yours sincerely

Roy Thompson  
Area Planning Officer  
For the Executive Director, Planning and Conservation

Pd.doc

R





SUMMIT HOUSE  
27 SALE PLACE  
LONDON W2 1YR  
TEL: 0207 298 8000  
FAX: 0207 298 8080

✓ on 19/10  
T4  
Bodie  
H-ade

17 October, 2000

Mr Roy Thompson  
Area Planning Officer  
Planning & Conservation  
The Town Hall  
Hornton Street  
London  
W8 7NX

Dear Sir

**POSTER PANEL – SWALLOW HOTEL, CROMWELL ROAD, KENSINGTON**

On 1 October 1986, consent was granted to London and Continental Advertising Ltd (on appeal, by the Secretary of State following a local hearing) for the display of an illuminated 48 sheet size poster panel 'ultravision' unit, at the London International Hotel (now the Swallow Hotel). I attach a copy of that decision.

Ultravision displays (which at that time represented the latest technology in poster advertising) incorporate an automatic sequence display facility which enables 3 posters to be held within the medium and shown, one after the other, in sequence, at approximately 10 second intervals.

The ultravision display at the Swallow Hotel is some 15 years old and needs replacing. My company, therefore, wishes to replace the unit with a more modern version incorporating new technology and a similar automatic sequence display facility allowing 3 posters to be held within the medium, and shown, similarly, in sequence to 10 second intervals, one after the other.

The only difference is in the technology. Whereas the ultravision unit has a series of vertical blades which all turn to reveal the next poster, the new technology does not involve a series of blades turning simultaneously but allows the next poster to be rolled down all in one go.

There will be no change to the size of poster used (still 48 sheet size) or the height or positioning of the display. The only change will be in the technology used to change each poster for presentation to its audience.

In the circumstances, we are inclined to the view that a further application is not needed as the essential ingredients will remain as before as will the size and position of the poster display.



In view of the intended investment in this we would be grateful for your agreement to this change without the need for a further application.

For the avoidance of doubt and to assist you, I enclose 'existing' and 'proposed' illustrations.

Yours faithfully

*Phil Koscien*

**PHIL KOSCIEN, MRTPI**  
**PLANNING MANAGER**



SUMMIT HOUSE  
 27 SALE PLACE  
 LONDON W2 1YR  
 TEL: 0207 298 8000  
 FAX: 0207 298 8080

17 October, 2000

Mr Roy Thompson  
 Area Planning Officer  
 Planning & Conservation  
 The Town Hall  
 Hornton Street  
 London  
 W8 7NX

RECEIVED BY PLANNING SERVICES									
EX DIR	HDC	N	C	SW	SE	ENF	AD ACK		
19 OCT 2000 (25)									
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEES			

Dear Roy

**POSTER PANEL – SWALLOW HOTEL, CROMWELL ROAD, KENSINGTON**

I attach a letter to the Royal Borough. I'm not sure if this is your area, but as you are my only named contact in the planning department, and in view of the urgency of this matter I would be grateful if you could have a look at it, or pass it onto one of your colleagues.

It may well be a relatively straightforward matter. It is rather urgent. We are inclined to the view that no further consent is needed but in view of the investment involved would be grateful for your confirmation.

Many thanks.

Yours sincerely

*Phil Koscién*

**PHIL KOSCIEN, MRTPI**  
**PLANNING MANAGER**





# DEPARTMENT OF THE ENVIRONMENT

Room TX 308  
Tollgate House Houlton Street Bristol BS2 9DJ  
Telex 449321

Direct Line 0272-218 611  
Switchboard 0272-218811  
GTN 2074



A B Cowley Esq  
London and Provincial Posters Ltd  
Summit House  
27 Sale Place  
LONDON W2 1PT

Your reference  
ABC/JT  
Our reference  
M2/5600/86/0549  
Date  
1 OCT 86

1 - OCT 1986

Sir

TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 1964  
APPEAL: THE LONDON INTERNATIONAL HOTEL, CROMWELL ROAD, KENSINGTON

1. I am directed by the Secretary of State for the Environment to refer to the appeal of London and Continental Advertising Ltd against the London Borough of Kensington and Chelsea Council's refusal to permit the display at the above-mentioned premises of a 40-sheet "ultravision" unit.
2. Consideration has now been given to the submitted evidence and the report of the Secretary of State's officer, Mr C Rice, who heard the representations of the parties and visited the site.
3. In his report, a copy of which is enclosed, Mr C Rice came to the following conclusions:-

"The Council have referred to policies 4.13.2 and 4.13.3 in their Development Plan which provide a generally restrictive approach towards the display of poster panels. While I accept that they are entitled to have regard to those policies, I consider that each proposal should be considered on its individual merits and that the requirement contained in policy 4.13.2 that poster panels should provide a positive contribution to amenity is unduly restrictive as far as the Regulations are concerned and this point was conceded by the local authority's representative at the hearing.

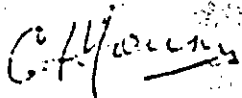
The panel would have a display area of about 6 m by 3 m and would be presented at an angle to westbound traffic on the Cromwell Road. It would generally follow the existing line of the lawned area and would have additional shrubs planted both in front and rear to reduce the frames overall impact. The Council are concerned about the possible effects upon the visual amenity of properties to the rear; however, the garden area is separated from these properties by a substantial brick wall and a number of trees, many of which are evergreen, and the area is already floodlit. I do not consider that the proposed high quality unit together with the associated additional screening would have a detrimental impact upon the residential enjoyment of those occupants.

The area is predominantly commercial and, in my opinion, the display of a low level ultravision unit alongside the busy Cromwell Road flanked by large buildings and with a soft natural background would not be detrimental to the general amenity of the area. In addition, I note that many of the existing displays in the area are of a temporary nature during the completion of construction works and that following their removal, the area will not be over-burdened with large scale poster panels and I, therefore, consider that this additional panel will not

create a impression of clutter within the area. I conclude, therefore, that the proposed panel with its associated planting scheme, to both front and rear, would not be detrimental to amenity.

4. He recommended that the appeal be allowed.
5. The Secretary of State agrees with the conclusions of his officer and accepts his recommendation. He accordingly allows the appeal and grants consent for the display for five years from the date of this letter of the 48-sheet ultraviolet unit, as applied for.
6. This letter does not purport to convey any approval or consent which may be required under any enactment, bylaw, order or regulation other than Regulation 6(1) of the Regulations.

I am Sir  
Your obedient Servant



C J YOUNG  
Authorised by the Secretary of State  
to sign in that behalf

Tollgate House Annex  
 Boulton Street  
 BRISTOL  
 BS2 9DJ

12 September 1986

To the Right Hon Nicholas Ridley MP, Secretary of State for the Environment

Sir

TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 1964  
 APPEAL BY LONDON AND CONTINENTAL ADVERTISING LIMITED IN RESPECT OF LAND ADJACENT  
 TO THE LONDON INTERNATIONAL HOTEL, CROMWELL ROAD, KENSINGTON, LONDON W5

1. I have the honour to report that on Monday 7 July 1986 I heard representations at the Town Hall, Kensington, regarding an appeal by London and Continental Advertising Limited made under Regulation 22 against the Royal Borough Council of Kensington and Chelsea's refusal to grant consent for the display of an externally illuminated 48 sheet "ultravision" unit at the London International Hotel, Cromwell Road, London SW5.

#### THE APPLICATION

2. An application was submitted on 11 February 1986 requesting consent to display an illuminated 48-sheet "ultravision" unit at the London International Hotel, Cromwell Road, London.

#### THE REFUSAL NOTICE

3. The Royal Borough Council of Kensington and Chelsea refused consent on 8 April 1986 for the following reason:-

"The location of the proposed ultravision display unit on the forecourt area of the London International Hotel results in an unacceptable loss of amenity, by contributing to visual clutter, by detracting from the open nature of this forecourt area, by reducing residential amenity and outlook to the residential properties to the rear of the unit, and is contrary to the Council's Policy in respect of advertisement hoardings set out in Chapter 4, paragraph 13.12 and 13.13 of the Council's Approved District Plan".

#### THE APPEAL

4. London and Continental Advertising Limited submitted an appeal on 9 May 1986 on the following precise grounds:-

"We do not agree that the ultravision display unit results in a loss of amenity by contributing to the visual clutter. Neither do we agree that it detracts from nor reduces the residential amenity of the locality. On the contrary, we submit that the light and colour of the changing advertisements will serve to enhance the area".

## SITE AND ITS SURROUNDINGS

5

5. The panel would be sited within a small raised garden area to the east of the London International Hotel on the southern side of Cromwell Road.
6. The road is flanked by generally large buildings in mixed commercial and residential use; it is heavily trafficked and forms part of a major route into central London (A4). The Hotel is a substantial modern development of some 8-storeys.
7. At the time of the accompanied site inspection the premises displayed lettering, flags and a Formula 1 racing car display for a major tobacco manufacturer. Other displays in the area included a number of poster panels, boards and lettering at commercial premises.

## THE CASE FOR THE APPELLANTS

The main points were:-

8. The site was within the grounds of the London International Hotel, a large multi-storey development alongside the busy A4, a heavily trafficked and major route into central London and was in an area of mixed use.
9. The area was part of an expanding commercial locality with a number of large developments in progress which were currently screened with poster displays. The local planning authority had approved five special promotional displays, which could be floodlit, for a total of 70 days per annum on the hotel forecourt and the current display was an example of the type of display made. The area was, therefore, acknowledged as suitable for large scale advertising displays.
10. The panel would be constructed to a high standard mounted on a 4 ft plinth with a brushed aluminium surround. Shrubs would be planted at the front and rear of the panel and the rear would be painted green so that any part visible from the properties to the rear would blend in with the conifers and shrubs. The panel and additional planting would reduce the noise levels from the road for the properties at the rear. No objections to the proposal had been received from residents in Collingham Place despite a circular letter being sent to all occupants.
11. Other similar displays in the area were mainly of a temporary nature enclosing development sites and, following their removal, the area would not be over-subscribed with such displays and, therefore, the Council's objection to excess was not applicable.
12. The Council's generally restrictive policy regarding poster displays was contrary to Governmental advice about the consideration of advertisement displays. In particular, panels were not required to make a positive contribution to amenity.

## THE CASE FOR THE LOCAL PLANNING AUTHORITY

The main points were:-

13. Cromwell Road was in mixed residential and commercial use with a number of short lets and 'bedsit' accommodation and the residential amenity of such properties could be affected by the panel, in particular, those properties in Collingham Place. Although no objections had been received in respect of the display it did not follow that these properties would not be affected.
14. The site was an attractive green space within a substantial built environment and the panel would intrude upon this "oasis" to the general detriment of amenity and it could affect the growth of trees and shrubs to the rear of the panel.

5

15. Policies 4.13.2 and 4.13.3 of the development plan would be breached by the display. However, the Council acknowledged that panels did not need to provide a positive contribution to amenity and that a number of existing panels in the area were of a temporary nature and would be removed in the near future.

16. There were no public safety objections to the proposed display.

#### FINDINGS OF FACT

17. I find the following facts:-

i. An application was submitted on 11 February 1986 requesting consent to display a 48 sheet "ultravision" unit at the London International Hotel, Cromwell Road, London.

ii. The panel would be sited within a small raised garden area to the east of the London International Hotel on the southern side of Cromwell Road.

iii. The road is flanked by generally large buildings in mixed commercial and residential use; it is heavily trafficked and forms part of a major route into central London (A4). The Hotel is a substantial modern development of some 8 storeys.

iv. At the time of the accompanied site inspection the premises displayed lettering, flags and a Formula 1 racing car display for a major tobacco manufacturer. Other displays in the area included a number of poster panels, boards and lettering at commercial premises.

v. There were no public safety objections to the display.

#### CONCLUSIONS

18. The Council have referred to Policies 4.13.2 and 4.13.3 in their Development Plan which provide a generally restrictive approach towards the display of poster panels. While I accept that they are entitled to have regard to those policies, I consider that each proposal should be considered on its individual merits and that the requirement contained in policy 4.13.2 that poster panels should provide a positive contribution to amenity is unduly restrictive as far as the Regulations are concerned and this point was conceded by the local authority's representative at the hearing.

19. The panel would have a display area of about 6 m by 3 m and would be presented at an angle to westbound traffic on the Cromwell Road. It would generally follow the existing line of the lawned area and would have additional shrubs planted both in front and rear to reduce the frames overall impact. The Council are concerned about the possible effects upon the visual amenity of properties to the rear; however, the garden area is separated from these properties by a substantial brick wall and a number of trees, many of which are evergreen, and the area is already floodlit. I do not consider that the proposed high quality unit together with the associated additional screening would have a detrimental impact upon the residential enjoyment of those occupants.

20. The area is predominantly commercial and, in my opinion, the display of a low level ultravision unit alongside the busy Cromwell Road flanked by large buildings and with a soft natural background would not be detrimental to the general amenity of the area. In addition, I note that many of the existing displays in the area are of a temporary nature during the completion of construction works and that, following their removal, the area will not be over burdened with large scale poster



3

Shels and I therefore consider that this additional panel will not create an impression of clutter within the area. I conclude, therefore, that the proposed panel with its associated planting scheme to both front and rear would not be detrimental to amenity.

RECOMMENDATION

21. Bearing in mind the facts listed in paragraph 17 above, I recommend that the appeal be allowed.

I have the honour to be, Sir,  
Your obedient Servant

  
C RICE

ATTENDANCE AT THE HEARING

For the appellants

- Mr B Moss - Solicitor, Freeman & Son
- Mr A Cowley - London and Continental Advertising Limited
- Mr J Parks - London and Continental Advertising Limited

For the local planning authority

- Mr A Muir - Solicitor
- Mr C Minors - Senior Planning Assistant

DOCUMENTS SUBMITTED AT THE HEARING

- Document 1 - Plan showing proposed installation
- Document 2 - 4 photographs submitted by the appellants
- Document 3 - Proof of evidence of Mr J Parks - London and Continental Advertising Limited.

LOCATION PLAN NTS



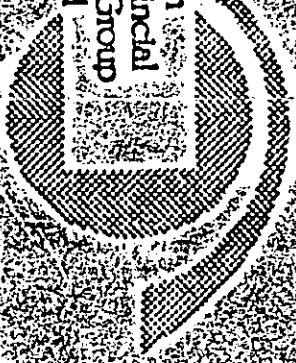
**SITE**

R. D. OF K. & C.  
**RECEIVED**  
TOWN PLANNING DEPT.  
11 FEB 1986

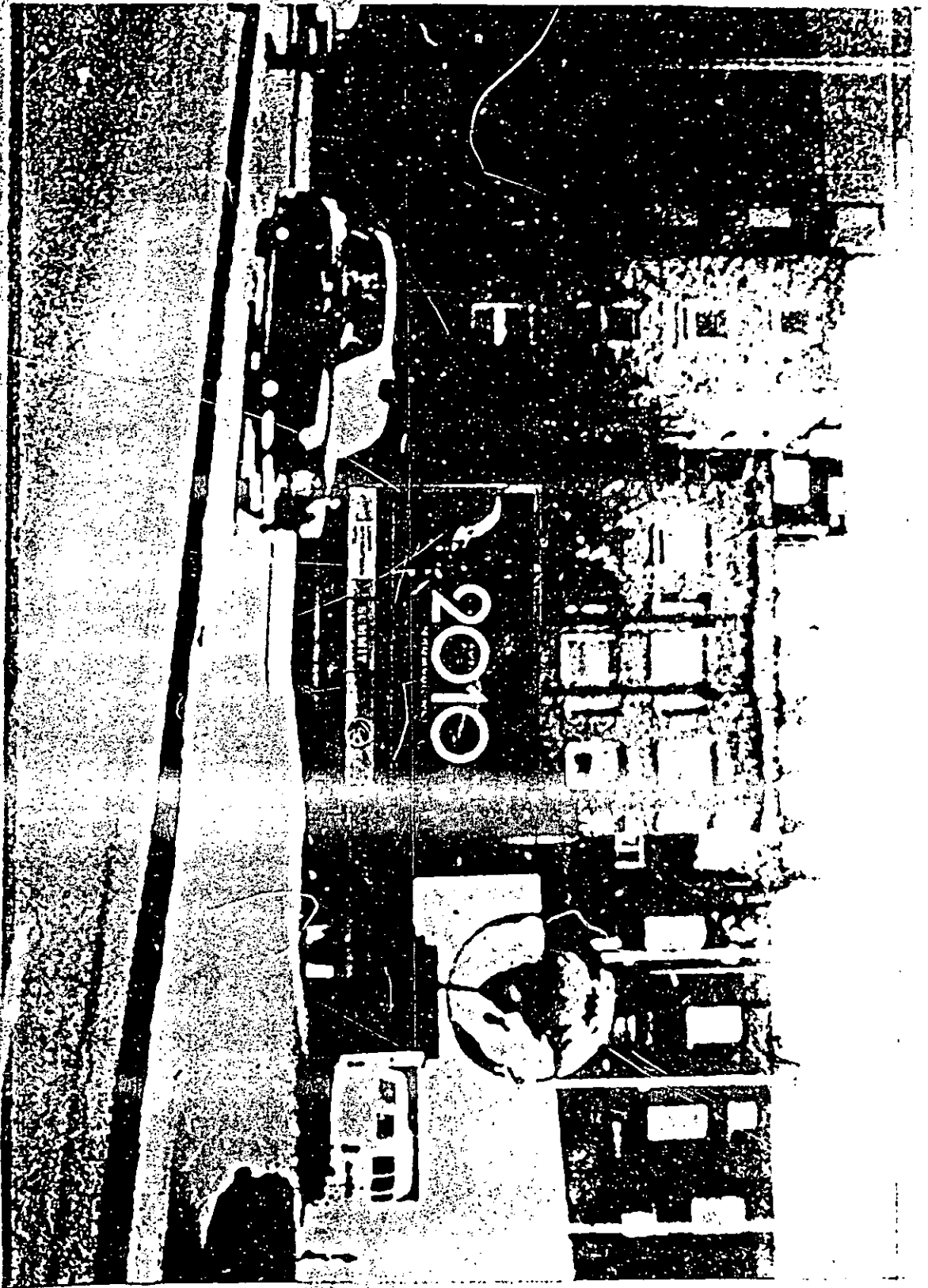
*Cheryl*

PROJECT	LONDON INTERNATIONAL HOTEL CROMWELL ROAD KENSINGTON - CHELSEA
SCALE	VISUAL
DRAWN BY	MD
DATE	9 JANUARY 86
DRAWING No.	1113
REVISED	
THESE DRAWINGS AND THE STRUCTURES DEPICTED THEREON ARE COPYRIGHT	

London & Provincial  
Poster Group  
Limited



DESIGN STUDIO  
SUMMIT HOUSE  
27 SALE PLACE  
LONDON W12 1PT



PROPOSED

- > 48 SHEET POSTER SIZE
- > CLOCK INCLUDED
- > LORD NORMAN FOSTER DESIGN

GIVENCHY  
 $\pi$   
BEYOND INFINITY.

Mills & Allen

12:50

R.B.K. & C.  
TOWN PLANNING  
19 OCT 2000  
RECEIVED

EXISTING

> ULTRAVISION DISPLAY

> 48 SHEET POSTER SIZE





Look no further  
for the best  
of the best



27 11 '02

147 C Cromwell RD

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**GELA**  
holidays  
2380 404536  
02380 404710  
**ALISEUM**



27 11 '02



147 C Cromwell Rd

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