



## Department for Communities and Local Government

Carolyn Goddard  
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**Please ask for:** Kevin White  
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**Your ref:**  
**Our ref:** PCU/ADV/K5600/3258062  
**Date:** 6 July 2021

Dear Carolyn,

### **TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (ENGLAND) REGULATIONS 2007: (“the Regulations”) REGULATION 7: DIRECTION RESTRICTING DEEMED CONSENT**

1. I am directed by the Secretary of State to refer to the request made by the Royal Borough of Kensington & Chelsea (“the Council”) on 13 August 2020 for a Direction that deemed consent for the estate agents’ sale or letting boards, which are advertisements under Class 3A of Schedule 3 to the Regulations, should be withdrawn from certain areas in the Royal Borough of Kensington & Chelsea.
2. The Council’s request for the making of the Direction was publicly advertised in the local press on 16 September 2020. There were two objections to the proposed Direction and the Secretary of State requested Inspector Tim Wood BA(Hons) BTP MRTPI consider the written representations. Site visits on made on various dates during April 2021.

#### **The Proposed Areas**

3. The Direction would cover the following areas in the Royal Borough of Kensington & Chelsea, also described within the Secretary of State’s Decision letter for the original Direction, dated 27 March 2009, namely:
  - Conservation Area 1 – Oxford Gardens
  - Conservation Area 2 – Norland
  - Conservation Area 3 – Ladbroke
  - Conservation Area 4 – Pembridge
  - Conservation Area 6 – Kensington
  - Conservation Area 8 – Edwardes Square/Scarsdale & Abingdon

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The “island” area to the east of Conservation Areas 8 and 27 up to the western boundary of Conservation Areas 9A, 9C, 9D and the southern boundary of Conservation Area 6

- Conservation Area 9D – Cornwall
- Conservation Area 10 – Queens Gate
- Conservation Area 11A-D – Earl’s Court Village, Courtfield, Earl’s Court Square, Neverne Square, and the two associated island areas: the area delineated by and including Courtfield Road, the south side of Cromwell Road (between and including the eastern side of Ashburn Gardens and western side of Gloucester Road) and including that part of Ashburn Place and Harrington Gardens between conservation areas 11B and 10. Also the island area enclosed by conservation areas 10, 11B, 12 and 13A that includes Rosary Gardens, Brechin Place and the Old Brompton Road.
- Conservation Area 12 - The Boltons
- Conservation Area 13A – Thurloe/Smiths Charity part (western part, bounded by and including Onslow Gardens (running north-south) and including Selwood Terrace between Old Brompton Road and Fulham Road)
- Conservation Area 16 – Sloane/Stanley
- Conservation Area 17 – Chelsea Park/Carlyle
- Conservation Area 18 – Chelsea (two southern parts only) Sydney Street on both sides (entire length)
- Conservation Area 19 Cheyne – only Oakley Street on both sides
- Conservation Area 20 – Royal Hospital
- Conservation Area 26 – Philbeach
- Conservation Area 27 – Lexham
- Conservation Area 28 – Colville; and Holland Road on both sides

4. The areas are identified on map provided by the Council , annexed hereto.

### **The Council’s reasons for making the Direction**

5. The Council's reasons for seeking to renew the Direction are included in its Committee report of 13 August 2020. The Council’s case is that prior to the Direction there had been an excessive proliferation of estate agents’ boards in these areas where large properties had been subdivided resulting in a transient population with frequent letting and sale of units. Many of the streets included in the Direction were in Conservation Areas where the Council is under a statutory duty to pay special attention to the desirability of the preservation or enhancement of the character or appearance of areas. The untidy and cluttered street scene resulting from the proliferation of estate agents’ boards was stated to detract from the character and appearance of the areas.
6. The existing Direction has been successful in keeping the streets clear of the estate agents’ boards. The Council indicates that there has been a marked improvement in the visual appearance of these areas. To ensure that this remains the case the Council seek to renew the Direction for a further 10 years.

## Description of Proposed Areas

7. The Inspectors report from the site visits supports the findings of the previous appraisal in the Secretary of States direction in 2009 and indicates that there has been no material change to their character and appearance in the intervening 10 years. The areas of predominantly substantial housing with a dignified and elegant appearance. On most of the buildings attractive period features are retained. Even where there is some variety of style properties generally fit in with the prevailing built form. The overall impression throughout is of most attractive and primarily residential environments of noteworthy architectural quality and heritage interest.
8. The Inspector reports that 'When the areas were previously seen it was noted that, given the substantial size of the majority of the residential properties, very many had been subdivided. What I saw showed that this still remained the case. The observations then made in relation to the townscape quality of the areas and the potential unacceptable effects of even a very few boards apply with equal force'.

## Appraisal

9. Prior to the Directions being made the Council had identified a substantial proliferation of estate agents' boards in the areas in question. Within the Secretary of State's letter of 27 March 2009, reference is made to the harmful presence and concentrations of boards. The Council's representations and those of others, along with the observations made within the decision to confirm the previous Direction identifies the substantial harm to the character and appearance of the areas of a proliferation of such boards.
10. The Inspectors inspection of the area showed an almost total absence of estate agents' boards. The Inspector concluded that despite there being no Direction in place at the time of his visit, he strongly suspected that this is a legacy of the previous, long-standing controls. Taking the above into account, there is clear evidence, therefore, of the Direction working. This is acknowledged in many of the representations made by those locally who strongly support the renewal of the Direction. Substantial satisfaction is expressed in the notable improvement to the character and appearance of the areas since the Direction has been in force.
11. The deemed consent rights, it is sought to remove, do have some restrictions. Only one board is permitted to be displayed per property and they are not permitted to be displayed for more than 14 days following the sale or lease of the property. However, even with these limitations the Inspector considers that, in these areas of many subdivided properties, even the lawful display of boards would be likely to result in a cluttered and unsightly street scene. Moreover, evidence before the previous Inspector, in 2010, demonstrated that the regulations were being substantially breached. Powers do exist for Councils to secure prosecutions in such cases. However, not only is this time consuming but it can be difficult to secure prosecutions in those cases where it is not always known which agent's board was displayed first (and is therefore permitted) and when a sale and lease was concluded. Taking account of the above, the Inspector considered that only the

renewal of the Direction would protect the character and appearance of the areas in question from the harmful effects and a proliferation of estate agents' boards.

12. In concluding, the Inspector agrees with the Council that the Direction should remain in place for an indefinite period of time, as the number of rental properties is unlikely to reduce in the future, because of the characteristics of the area.

### **Formal Decision**

13. For the reasons set out above, the Secretary of State is satisfied that a Direction should be made to control the display of advertisements relating estate agents' boards within the areas of royal Borough of Kensington and Chelsea identified below and on the maps submitted by the Council for a period of Ten years.

- Conservation Area 1 – Oxford Gardens
- Conservation Area 2 – Norland
- Conservation Area 3 – Ladbroke
- Conservation Area 4 – Pembridge
- Conservation Area 6 – Kensington
- Conservation Area 8 – Edwardes Square/Scarsdale & Abingdon  
The "island" area to the east of Conservation Areas 8 and 27 up to the western boundary of Conservation Areas 9A, 9C, 9D and the southern boundary of Conservation Area 6
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- Conservation Area 26 – Philbeach
- Conservation Area 27 – Lexham
- Conservation Area 28 – Colville; and Holland Road on both sides

14. A formal Direction is attached. The Council's attention is drawn to the provisions of Regulation 7(7), which specify the procedure for publishing the effect and date of operation of the Direction.
15. When this Direction is brought into effect, the display of estate agent boards in respect of the letting of premises may only be undertaken lawfully in the areas specified in paragraph 15 above, when the Council have granted express consent for their display. In order not to prejudice the interests of persons wishing to display advertisements for property lettings, the Council are invited to ensure that any such applications for express consent are decided within the period specified in Regulation 14(1) of the Regulations.

### **Right of Appeal against the Decision**

16. The decision of the Secretary of State may be challenged by way of an application to the High Court and a separate note is attached to this letter setting out the circumstances in which such an application may be made.

Yours sincerely,

*Tom Mills*

**Tom Mills**  
**Senior Planning Casework Manager**

**This decision was made by officials on behalf of the Secretary of State and signed on his behalf.**