



Report to the Secretary of State for Communities and Local Government

by **Tim Wood BA(Hons) BTP MRTPI**

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

Date 7 June 2021

THE TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (ENGLAND)
REGULATIONS 2007

THE COUNCIL OF THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

APPLICATION FOR RENEWAL OF A DIRECTION UNDER REGULATION 7 RESTRICTING
DEEMED CONSENT FOR ESTATE AGENTS' BOARDS

Site visit made on various dates during April 2021

File Ref(s): APP/ADCPO/K5600/20/08

The Terms of the Direction

1. To renew a Direction made under Regulation 7 which removes deemed consent rights for the display of estate agents' boards falling within Class 3A of Schedule 3, Part 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. The Direction covers 23 identified areas within the Borough, many of which are contiguous and include conservation areas or parts thereof.
2. The last Direction ran for a period of 10 years and expired on 27 September 2020. However, I note that the Council made its application to renew the Direction on 13 August 2020. I am therefore treating this application as a proposal to renew the Direction, despite there being an intervening period without any such controls in place.

Land to which the Direction Applies

3. The Direction applies to 23 identified areas within the Borough. Many of these are contiguous and form conservation areas or parts thereof. The areas are shown on the Council's maps at their Appendices 4 and 5 with the application.
4. In detail, the areas covered and the addresses involved are set out in the Appendices of the Council's application. They are also described within the Secretary of State's Decision letter for the original Direction, dated 27 March 2009.

The Council's reasons for seeking to renew the Direction

5. The Council's reasons for seeking to renew the Direction are included in its Committee report of 13 August 2020 (Council's Appendix 1). In essence its 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.

Representations regarding the proposed renewal

7. The Council undertook consultation of residents and 140 estate agents who were known to operate within the Borough. There were 73 expressions of support and only 2 objections. One objection related to an alleged hindrance in the ability to market properties and the other to a desire to include another area outside those within the Direction.

Analysis of the Direction Areas

8. The Secretary of States letter of 27 March 2009, paragraphs 6 to 37 provides a detailed appraisal of the areas. My inspection supports these findings and indicates that there has been no material change to their character and appearance in the intervening 10 years. These are 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.
9. 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.

Government Policy

10. Paragraph 132 of the National Planning Policy Framework states that the quality and character of places can suffer when advertisements are poorly sited and designed, and explains that the consent process for advertisements should be operated in a way that is simple, efficient and effective.
11. Paragraph 042 of the Government's Planning Practice Guidance (PPG) explains what is required for a Direction under Regulation 7 to be made. It states that 'it must be clear that one or more of the deemed consent provisions has had such adverse effects on the amenity or public safety of the area that there is no prospect of an improvement in the quality of the advertising in a locality, unless the local planning authority are given the power to control that particular type of advertisement.'

Appraisal

12. 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.
13. My inspection of the area showed an almost total absence of estate agents' boards. Despite there being no Direction in place at the time of my visits, I strongly suspect 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.
14. 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 I consider 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 was 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. This being so it seems to me that only the renewal of the Direction will protect the character and appearance of the areas in question from the harmful effects and a proliferation of estate agents' boards.

Conclusion

15. The areas covered by the Direction are ones where the preservation or enhancement of their character or appearance should be given substantial weight. Harm to their character and appearance has arisen in the past, but has been prevented by the Direction. To prevent a recurrence of harm the Direction should be renewed.

Recommendation

16. That the Regulation 7 Direction be renewed for the 10 years as applied for.

S T Wood

INSPECTOR