



City of Westminster

PLEASE NOTE

The Unitary Development Plan (UDP) policies and planning, building control and other legislation and regulations referred to in the text of this guide were current at the time of publication. Because this guidance is an electronic version of the printed guidance as approved and adopted, these references have NOT been changed. For ease of contact; names, telephone numbers and locations have been regarded as non-material editorial changes and have been updated.

As UDP policies and government legislation may have changed over time, before carrying out any work, it is recommended that you consult the current UDP

<http://www.westminster.gov.uk/planningandlicensing/udp/index.cfm> for policy revisions and you may wish to check with planning and/or building control officers about your proposals.

BOARDWATCH

A Guide to the Design and Display of Estate Agent's Boards



CONTENTS

1. THE PROBLEM

2. THE LEGISLATION: 'DEEMED' AND 'EXPRESS' CONSENT

Boards that can be displayed with 'Deemed' Consent

Boards which need 'Express' Consent from the Council

Boards which do not meet the conditions for 'Deemed' Consent

Boards in Regulation 7 Direction areas

Current Regulation 7 Directions in Westminster

The agreed criteria for Consent for boards in Regulation 7 Direction areas

3. BOARDS DISPLAYED INSIDE A BUILDING

4. ENFORCEMENT

5. CONTACTS

1. The Problem

In recent years, the City Council and local residents have been concerned about the proliferation of Estate Agents' boards in Westminster. During the 1980's and 1990's, new development and the subdivision of existing properties, sharply increased the number of residential and office units in certain parts of the City. At times of both boom and slump in the property market, large numbers of properties are available for sale or to let.

While recognising the importance of such transactions, the City Council wishes to protect the visual amenity of neighbourhoods, the character and appearance of conservation areas and historic buildings, and the general quality of the environment throughout Westminster.

Estate Agents' boards (and any other advertisements) which are designed or displayed without concern for an area's environment, can seriously diminish the appearance or amenity of that area and the environment of the City as a whole. For this reason, the City Council aims to control their display and to keep a fair balance between owners' and agents' wishes and needs, and the necessity to protect the City's environment.

2. The Legislation: 'Deemed' and 'Express' Consent

The **Town and Country Planning (Control of Advertisements) Regulations 1992** specify a number of cases where boards are given consent automatically (**Deemed Consent**) and therefore can be displayed without **Express Consent** from the local planning authority. The conditions which must be met for a board to be displayed with Deemed Consent, are explained below.

If any of the conditions for Deemed Consent are not satisfied, then the display requires Express Consent from the Council. Details of this type of display in Westminster are explained later.

In cases where boards displayed with Deemed Consent are detracting seriously from the character or appearance of buildings or streets or cause serious injury to the general amenity of an area, the Secretary of State for the Environment Transport and the Regions can issue a Direction (under Regulation 7 of the 1992 Regulations) by which the Deemed Consent rights are cancelled in the area(s) specified in the Direction, and therefore the display of all 'To Let', 'For Sale' and similar boards needs Express Consent from the Local Planning Authority.

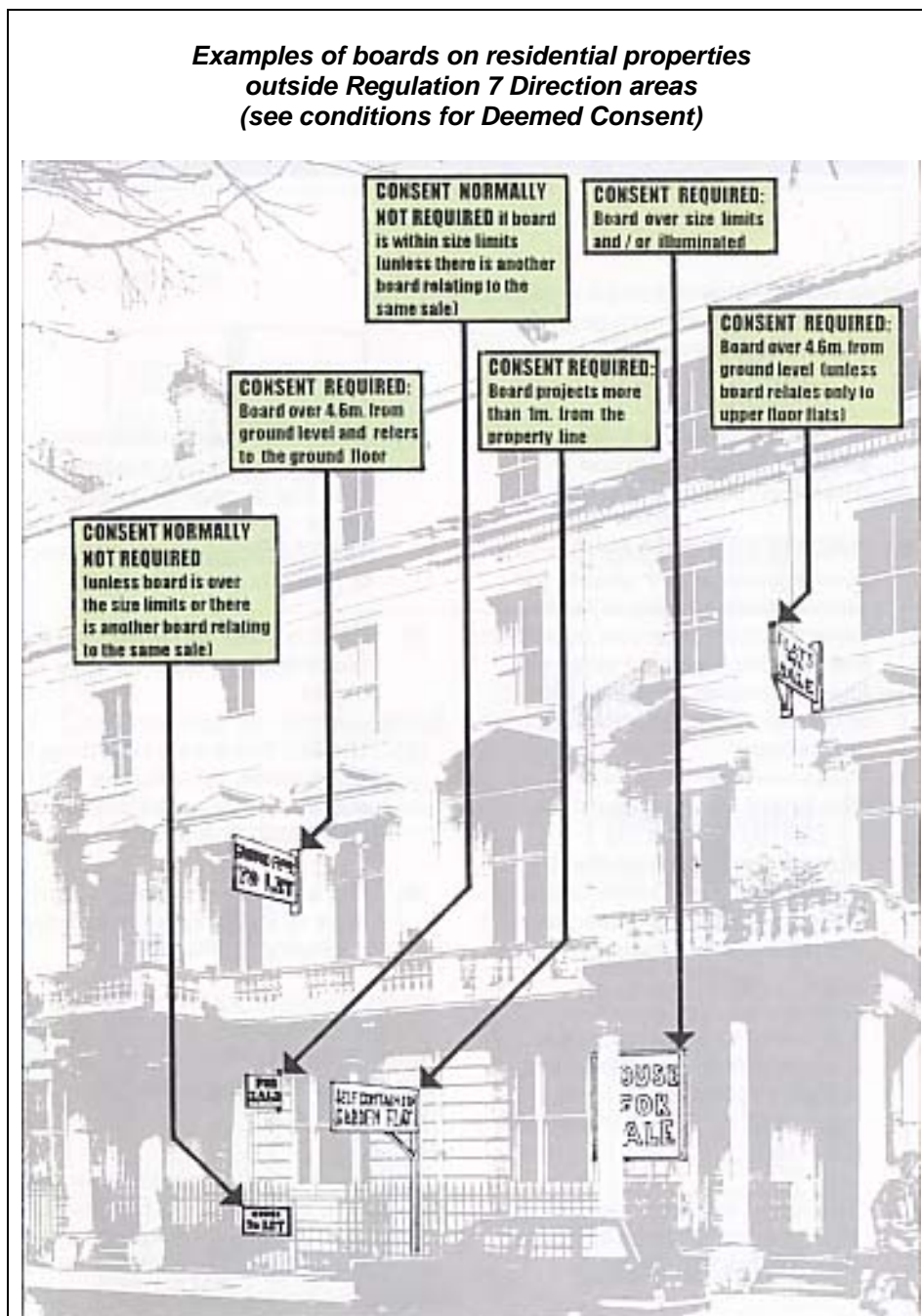
Details of current Regulation 7 Directions in Westminster are explained later.

Whether Deemed Consent rights exist or Express Consent is needed, if a board is to be displayed on a listed building, **Listed Building Consent** is normally required, and an application must be made for this to the City Council. Exceptions to this requirement are made for boards on listed buildings in Regulation 7 Direction areas, if the boards comply with the agreed criteria set out in this publication.

In addition, under **Highways legislation**, boards may not be fixed to a tree or structure on the highway, or be placed directly on or over the highway, causing a nuisance or danger to the public.

Before any board is displayed, the **permission of the owner of the land** (or other person entitled to give permission) must be obtained.

To display a board without the permission of the owners of the land, is an offence open to immediate prosecution.



2(1) Boards which can be displayed with 'Deemed Consent' (i.e. without the need for consent from the Council)

Estate Agents' boards can be displayed with Deemed Consent on a property, if **all of the following conditions** are met:

(a) The property is not in an area affected by a Regulation 7 Direction (see maps).

(b) There is only one board (or two boards joined in a 'V' shape) **for each individual sale or letting**. If there are more than one board, the first one displayed is treated as having Deemed Consent (subject of course, to the other conditions in this section).

(c) The board is no bigger than:

For residential properties:

0.5 sq.m. if it is a single board, or **0.6 sq.m. total** (i.e. 0.3 sq.m. each side) if it is a 'V-shape' board (see Fig. 1).

For commercial properties:

2 sq.m. if it is a single board, or **2.3 sq.m. total** (i.e. 1.15 sq.m. each side) if it is a 'V-shape' board (see Fig. 3).

(d) The board does not project more than 1m. from the building (see Fig. 2).

(e) The board is not illuminated.

(f) No part of the board is more than 4.6m above the ground (see Fig. 2) unless only a higher part of the building is for sale or letting and it is not practical to fix the board lower down.

(g) No character or symbol on the board **is more than 75mm** in height.

(h) The fact that a sale or letting has been made, is indicated (if required) **only by an addition** to an existing board.

(i) The board is removed within 14 days of a sale being completed or a tenancy granted.

If a board satisfied all these conditions then it can be displayed without the City Council's Express Advertisement Consent.

If a board fails to meet one or more of these conditions, then the person who wants to display it, must apply for Express Advertisement Consent from the City Council.

***Examples of boards displayed
with Deemed Consent outside Regulation 7 Direction areas
(see conditions)***

Fig 1: Residential



V-shaped boards
0.6 sq. metres overall maximum
(e.g. maximum 500x600mm each side)



Flat boards
0.5 sq. metres in area maximum
(e.g. maximum 900x550mm approx.)

Fig 2: Commercial or Residential

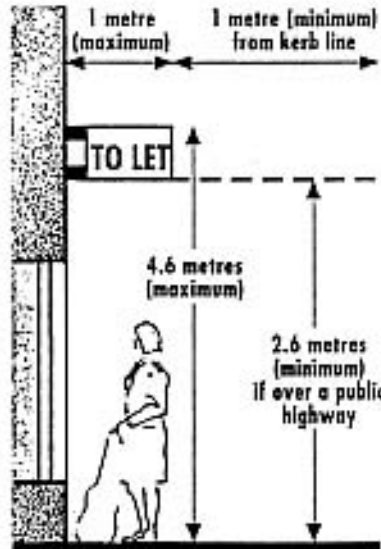


Fig 3: Commercial



V-shaped boards
2.3 sq. metres overall maximum
(e.g. maximum 1200x950mm approx. each side)



Flat boards
2.0 sq. metres in area maximum
(e.g. maximum 1500x1300mm approx.)

2(2) Boards which need 'Express' Consent from the Council

Boards which do not meet all the conditions for Deemed Consent

If a board does not meet all the conditions for Deemed Consent [explained in 2(1)] then the Council's **Express Advertisement Consent** is required and anyone who wants to display the board **must apply to the City Council for this consent.**

Applications for Advertisement Consent of this type **will be considered on their own merits**, on the basis of the proposed **size, appearance** and **positioning** of the board, as well as the **characteristics of the affected building and the area.**

For the display of a board on a **listed building**, separate **Listed Building Consent** is required, and a separate application must be made to the City Council by the person who wishes to display the board.

Express Advertisement Consent (under the **Town and Country Planning (Control of Advertisements) Regulations 1992**, will not normally be granted for a board to be fixed on any tree or to project over the public highway.

The following sections of this Guide give detailed information in respect of boards displayed in **Regulation 7 Direction areas** (i.e. boards which do not meet condition (a) in 2(1) and therefore require consent.

Boards in Regulation 7 Direction area (see condition (a))

In certain parts of Westminster, where the appearance of areas has been badly affected by Estate Agents' boards, the Government has allowed the City Council to control the display of this type of advertisement. To do this, the Secretary of State (DETR) has issued special Directions under Regulation 7 of the **Town and Country Planning (Control of Advertisements) Regulations 1992**. The Directions suspend Deemed Consent rights in respect of 'To Let', 'For Sale' and similar boards in the specified areas. As a result, anyone who wants to display such boards in these areas **must apply for Advertisement Consent from the Council**.

In the event of any variation or new Directions being proposed, the City Council will publicise details and will make maps available for public inspection and for representations, as required by the Regulations. In addition, the City Council will allow adequate time for Estate Agents to adjust their professional practices to any new requirements. Also, the Council will give adequate warning of any enforcement action which may be necessary as a result of contraventions. However, it is ultimately the Estate Agents' responsibility to comply with the requirements of the Regulations and the Council's policy.

Current Regulation 7 Directions in Westminster

To date, the Secretary of State (DETR) has approved a number of Regulation 7 Directions which control the display of Estate Agents' boards in specified parts of the City. Each Direction took effect on a specified date, for a period specified by the Secretary of State.

The Regulation 7 Directions currently in power in Westminster, affect the following Conservation Areas:

No.

- 31. Adelphi**
- 38. Aldridge Road Villas and Leamington Road Villas**
- 6. Bayswater**
- 13. Charlotte Street (West)**
- 44. Cleveland Street**
- 15. Covent Garden**
- 4. Dorset Square**
- 33. East Marylebone**
- 39. Hanway Street**
- 9. Harley Street**
- 48. Haymarket**
- 42. Leicester Square**
- 3. Maida Vale** (excluding three small parts, see detailed map)
- 11. Mayfair**
- 7. Molyneux Street**
- 8. Portman Estate**
- 27. Pimlico**
- 12. Regent Street**
- 17. St. James's**
- 1. St. John's Wood** (part, see map)
- 32. Savoy**
- 14. Soho**
- 16. Strand**
- 10. Stratford Place**
- 18. Trafalgar Square**
- 5. Westbourne**

In addition, parts of Elgin Avenue, and Sutherland Avenue, in W9 (outside designated Conservation Areas) are affected by the Directions

The areas currently affected by Regulation 7 Directions can be viewed.

CLICK HERE for link to Westminster Mapping System

In administering the powers conveyed by the current Directions, the City Council has adopted the policy to normally refuse applications for display of boards on residential property in the affected areas. Applications for boards on commercial property are assessed on their own merits and on the basis of the special criteria agreed to operate in the Direction areas.

The agreed criteria for Consent, for boards in Regulation 7 Direction areas in Westminster

In administering the powers conveyed by the Directions, the City Council has adopted the policy to normally **refuse applications for display of boards on residential buildings** in the affected areas.

Applications for **boards on commercial properties are assessed** on their own merits and **on the basis of the special criteria** set out below. These criteria have been agreed in consultation with a Committee of Agents formed by the Office Agents' Society and the Shops Agents' Society, and were endorsed by the Town Planning (Applications) Sub-Committee on 6 February 1992:

- 1. No board shall be of three-dimensional design.** All boards shall be rectangular and fixed flat on the building; no 'V-shaped' or angled boards shall be permitted.
- 2. No boards shall be illuminated.**
- 3. The size of a board will be varied according to the height at which the board is to be displayed, and it shall not exceed the maximum size specified in the following table:**

Height of display	Maximum size of board
Between ground level and 3m.	0.54 sq.m.
Between 3m and 4.6m.	1.1 sq.m.
Higher than 4.6m.	Boards will not normally be permitted. Any need for exceptions must be fully justified in the application for Consent.

(More stringent controls apply to listed buildings - see criterion 4 below).

- 4. On listed buildings, boards will normally not be permitted.** Exceptions will be allowed only where the board is to be displayed from inside the building or attached to railings around the building, at street level. Details of the fixing must be included in the application for consent. Only one board will be permitted per building, and the board must not be illuminated. The size of the board in this case should not exceed the maximum size specified below:

- | |
|---|
| • Maximum acceptable size of board displayed from inside a listed building: 0.54 sq.m. (displays higher than 4.6m will not normally be permitted). |
| • Maximum acceptable size of board attached to railings of a listed building: 0.27 sq.m. |

- 5. One board only is to be permitted per building**, except in the case of buildings with a ground floor shop or showroom. In this case, one board will be allowed for the ground floor use (A1, A2 or A3 Use Classes) and a maximum of one additional board for any upper floor use(s). Further boards will not normally be permitted.
- 6. Wherever practicable, the board should be displayed from within the premises.** If this is not practicable, the board and its supporting elements should, if possible, be secured to 'independent' parts of the building such as railings or balustrades or, alternatively, the board and its temporary support should be fixed between window reveals. Only if the Council can be satisfied that no other method can be used, may boards be placed on wooden battens carefully fixed flat on the wall of the building.

7. The board shall contain only the name and telephone number of the Agents, the type and size of the available property, and the kind of intended transaction. The name of the erecting contractor shall be incorporated in letters not exceeding 25mm in height.

8. The board and lettering shall be in black, white and/or grey only.

9. Where applicable, **permission for the display of the board must be obtained from the owners of the land** or from any other person entitled to give such permission.

10. In cases where a 'For Sale' or 'To Let' sign is to be displayed on a site where a hoarding is necessary to screen buildings undergoing construction, **it will be in favour of the application to integrate the sign into an attractive decorative treatment of the hoarding.**

11. Applications for Express Consent must state clearly all the details relating to the above criteria. Drawings and/or photographs adequate to describe the location, size and appearance of the proposed board, as well as any other relevant documents, must be submitted with the application.

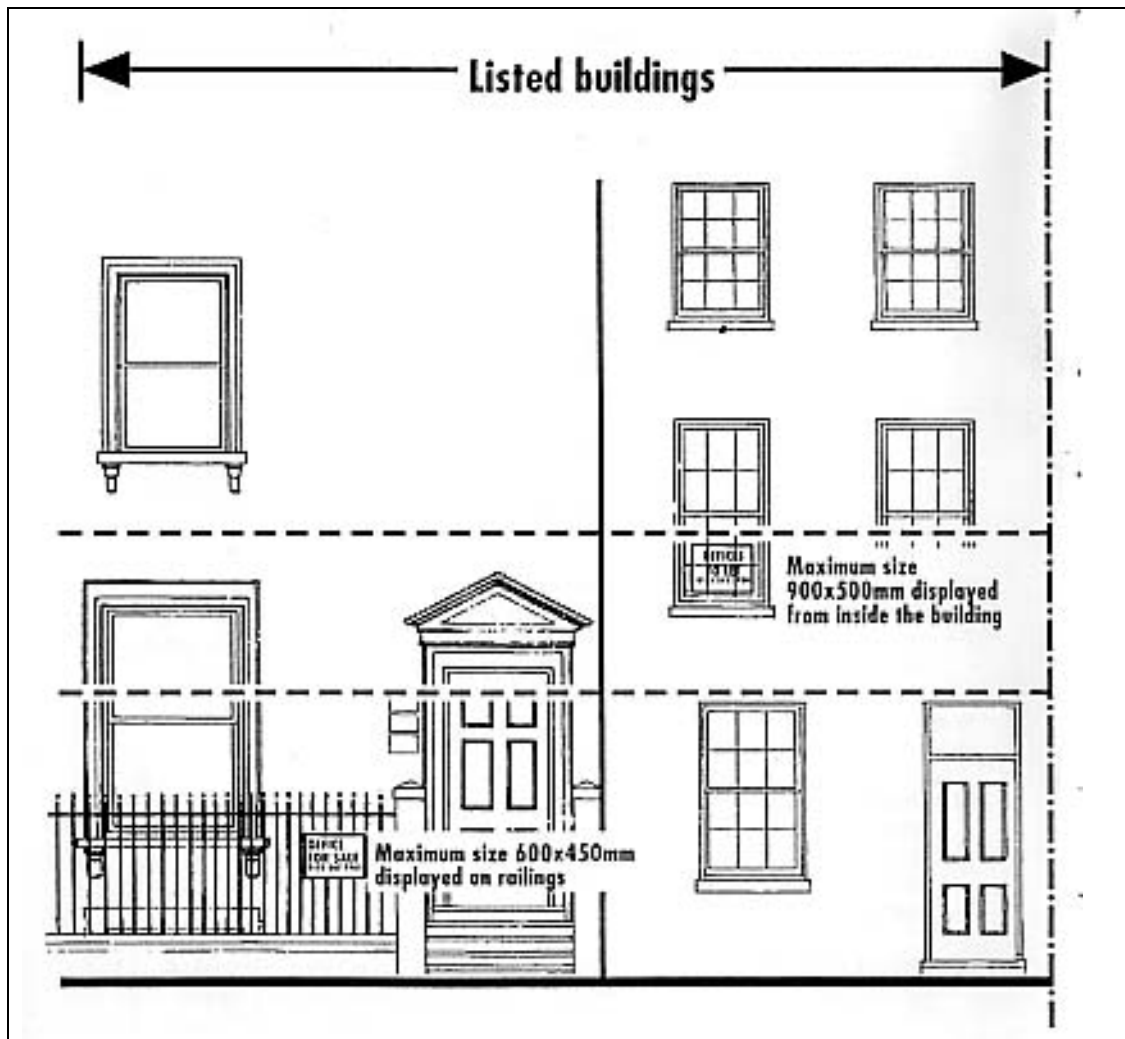
In addition to the above criteria which will be considered by the Council in assessing applications, the following conditions were also agreed:

12. The board(s) must be removed immediately after the expiry of the period specified in the Express Consent (up to six months or on completion of contracts, whichever is earlier, see condition 13 below) unless the City Council has renewed the Consent. Any fixing battens or other elements supporting the board must also be removed.

13. Boards must be removed as soon as contracts have been completed for the transaction (or on the expiry of the period specified in the Express Consent - see condition 12 - whichever is earlier). **'Sold By', 'Let By' and similar signs shall not be displayed.**

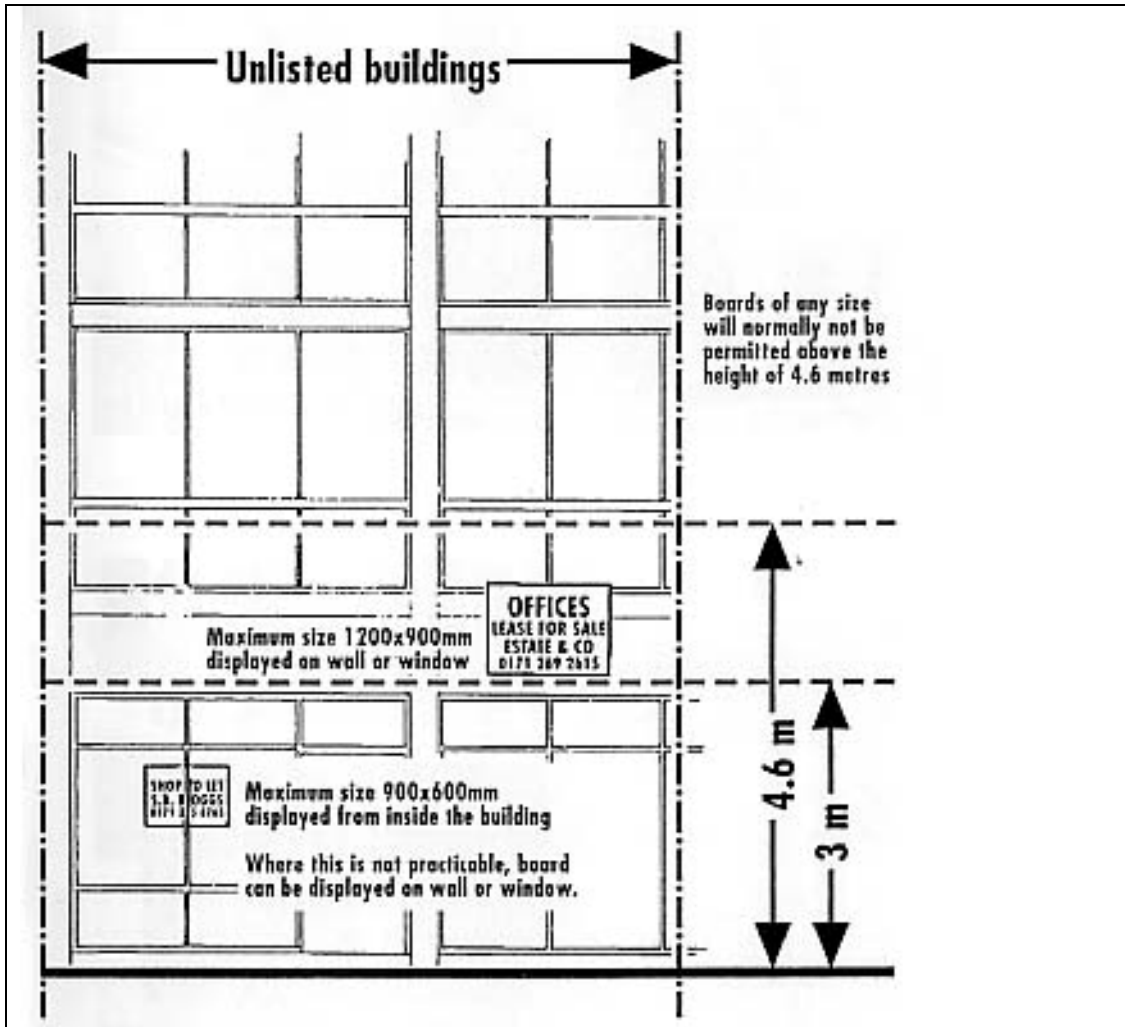
Regulation 7 Directions in Westminster:

Criteria used by the City Council to assess the appropriate maximum size and positioning of boards on commercial properties



Note:

The criteria explained above and below are used on applications for boards on **commercial properties** only. The City Council's policy in respect of boards on **residential properties** in the Regulation 7 Direction areas, is to normally refuse applications.



Indicative examples of Estate Agents' boards displayed with Express Consent from the City Council (see also Criteria for Express Consent)



Offices



Shops



Shops and Offices



Listed Buildings

3. Boards displayed inside a building

Under the 1992 Regulations, 'To Let', 'For Sale' and similar boards can, in summary, be displayed inside a building without Consent, regardless of whether the building is within or outside a Regulation 7 Direction area. However, **on a listed building**, a separate **Listed Building Consent** may be required in these cases.

The Council's advice to anyone who wishes to display a board from the inside of a window, is to design and to position the board in a way which does not detract from the appearance of the building and does not harm the character or appearance of the street.

The City Council has powers to discontinue the display of any illuminated board placed inside a building or of any non-illuminated board placed within one metre of a window if, in its opinion, the board causes a substantial injury to the amenity of the locality or a danger to members of the public.

4. Enforcement

Under current legislation, any person who displays an advertisement in contravention of the 1992 Regulations, shall be guilty of an offence and liable, on summary conviction, to a fine up to £1,000, and £100 for each day during which the offence continues after conviction.

All parts of Westminster are regularly inspected to ensure compliance with Planning and Highways legislation. The City Council has prosecuted, and will continue to do so, those responsible for the display of boards which do not meet the conditions for Deemed Consent or are otherwise unauthorised.

5. Contacts

Agents who wish to display boards on specific properties and require further advice on legislation, policy or procedures for Advertisement Consent, should contact Development Planning Services, Department of Planning and City Development:

CLICK HERE FOR LINK TO
WESTMINSTER CITY COUNCIL
CONTACTS LIST

For information on cases where enforcement action has already been decided and has been initiated, in the first instance please contact: **The Planning Enforcement Team:**
Telephone: **(020) 7641 2553** or Fax: **(020) 7641 3230**

For information on cases of boards which are under investigation for possible enforcement action, please contact: **The Street Enforcement Team:**
Tel: **(020) 7641 1196** or Fax: **(020) 7641 1171**

If you believe that any boards are being displayed unlawfully in Westminster, please telephone the Council's 'Hotline' via the General Inquiries telephone number:
Tel: **(020) 7641 6000**



DESIGNATED CONSERVATION AREAS AFFECTED BY REGULATION 7 DIRECTIONS:

Conservation Area number and title

- 1 St. John's Wood (part only)
- 3 Maida Vale
- 4 Dorset Square
- 5 Westbourne
- 6 Bayswater
- 7 Molyneux Street
- 8 Portman Estate
- 9 Harley Street
- 10 Stratford Place
- 11 Mayfair
- 12 Regent Street
- 13 Charlotte Street, West
- 14 Soho
- 15 Covent Garden
- 16 Strand
- 17 St. James's
- 18 Trafalgar Square
- 27 Pimlico
- 31 Adelphi
- 32 Savoy
- 33 East Marylebone
- 38 Aldridge Road and Leamington Road Villas
- 39 Hanway Street
- 42 Leicester Square
- 44 Cleveland Street
- 48 Haymarket

NON DESIGNATED PARTS OF LAND AFFECTED BY REGULATION 7 DIRECTIONS:

Parts of **Elgin Avenue** and **Sutherland Avenue, W9**.

Note: Small parts of undesignated land in the West End (W1) area of Westminster are also affected by the City Council's policies concerning the display of Estate Agents' boards.

To view Conservation Area maps and areas covered by Regulation 7 Directions

CLICK HERE for link to Westminster Mapping System

Department of Planning and City Development, Development Planning Services, March 2000