



Appeal Decision

Site visit made on 18 June 2019

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2019

Appeal Ref: APP/K5030/H/18/3211395

Queen Victoria Street (outside no.128) London, EC4V 4BY

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent.
 - The appeal is made by British Telecommunications plc against the decision of the City of London Council.
 - The application Ref 18/00504/ADVT, dated 12 May 2018, was refused by notice dated 19 July 2018.
 - The advertisements proposed are internally illuminated digital LED screen to both sides of the proposed free standing InLink.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. When originally lodged, the appeal was also accompanied by an appeal relating to a Prior Approval proposal for an Inlink kiosk. However, following the *Westminster CC v SSHCLG & New World Payphones Ltd* [2019] EWHC 176 (Admin) judgement, that appeal has been withdrawn.

Main Issue

3. The main issue is the effect of the proposed advertisements on the visual amenity of the area.

Reasons

4. The appeal site is located on a relatively wide pavement in a commercial setting with contemporary buildings located on either side of the road, close to the Grade I listed Guild Church of St Nicholas Cole Abbey. Notwithstanding the commercial setting, I observed at my site visit that the vicinity of the appeal site does not have a particularly busy character.
5. The proposal would replace an existing BT kiosk with a single free-standing structure with integrated digital advertising displays on either side and would therefore not result in any additional street furniture nor increase visual clutter. In this regard the proposal would therefore preserve the character of this area. However, I observed at my site visit that there is little in the way of illuminated street furniture in the vicinity of the appeal site and illuminated advertisements are limited and confined to ground floor level windows in a small number of buildings.

6. The proposal is close to and would be readily seen in views from a broadly westerly direction, with the listed Guild Church of St Nicholas Cole Abbey. Although the proposed InLink would be of a sleek modern design, the nature of a digital display is that it must emit light to produce an image and as such the advertisements would be necessarily brighter than the current non-illuminated advertisements presently at this location. The introduction of illumination of this size where there is currently none would be at odds with and would detract from and thereby cause harm to the setting of the listed building, particularly during the hours of darkness.
7. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material and find that the proposal would adversely affect the setting of a designated heritage asset and consequently cause harm to visual amenity contrary to the overall design and heritage protection aims of policies CS10, CS12, DM12.1 and DM10.6 of the City of London Local Plan Adopted 15 January 2015 and Policy 7.8 of the London Plan 2016. There is also conflict with the design and heritage protection policies of the National Planning Policy Framework.

Conclusion

8. For the reasons given above, and having had regard to all other matters raised, the appeal is dismissed.

Felicity Thompson

INSPECTOR