



Appeal Decisions

Site visit made on 15 July 2019

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 August 2019

Appeal A - Ref: APP/X5990/Z/18/3212857

Highways Land, Great Titchfield Street, At Junction of Eastcastle Street, London W1W 8DX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by British Telecommunications plc against the decision of City of Westminster Council.
 - The application Ref 18/04613/ADV, dated 2 June 2018, was refused by notice dated 6 August 2018.
 - The advertisement proposed is display of an internally illuminated digital LED screen on two sides of the proposed free standing InLink.
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Appeal B - Ref: APP/X5990/Z/18/3213460

Great Portland Street (Outside No. 200 Oxford Street), Near Junction with Market Place, London W1D 1NU

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by British Telecommunications plc against the decision of City of Westminster Council.
 - The application Ref 18/04415/ADV, dated 3 July 2018, was refused by notice dated 21 August 2018.
 - The advertisement proposed is display of an internally illuminated digital LED screen on two sides of the proposed free standing InLink.
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Appeal C - Ref: APP/X5990/Z/18/3213557

Oxford Street (Outside No.214 Top Shop), London W1C 1DD

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by British Telecommunications plc against the decision of City of Westminster Council.
 - The application Ref 18/04523/ADV, dated 31 May 2018, was refused by notice dated 14 August 2018.
 - The advertisement proposed is display of an internally illuminated digital LED screen on two sides of the proposed free standing InLink.
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Appeal D - Ref: APP/X5990/Z/18/3214092

Oxford Street (Outside No.150-154), Opposite Junction with Poland St, London W1D 1NB

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.

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- The appeal is made by British Telecommunications plc against the decision of City of Westminster Council.
 - The application Ref 18/04403/ADV, dated 3 July 2018, was refused by notice dated 22 August 2018.
 - The advertisement proposed is display of an internally illuminated digital LED screen on two sides of the proposed free standing InLink.
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Appeal E - Ref: APP/X5990/Z/18/3216139
Near junction with Riding House Street, Outside 74 Great Portland Street, London W1W 7NL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Neil Scoresby of British Telecommunications plc against the decision of City of Westminster Council.
 - The application Ref 18/07019/ADV, dated 17 August 2018, was refused by notice dated 11 October 2018.
 - The advertisement proposed is two digital 55 inch LCD display screens, one on each side of the InLink unit.
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Appeal F - Ref: APP/X5990/Z/18/3216639
Opposite Great Portland Street Station, Great Portland St, London W1W 5DD

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Neil Scoresby of British Telecommunications plc against the decision of City of Westminster Council.
 - The application Ref 18/07396/ADV, dated 29 August 2018, was refused by notice dated 19 October 2018.
 - The advertisement proposed is two Digital 55-inch LCD display screens, one on each side of the InLink unit.
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Appeal G - Ref: APP/X5990/Z/18/3216924
Outside Oxford House, 70-88 Oxford Street, London W1D 1BS

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by British Telecommunications plc against the decision of City of Westminster Council.
 - The application Ref 18/06986/ADV, dated 17 August 2018, was refused by notice dated 10 October 2018.
 - The advertisement proposed is two digital 55 inch LCD display screens, one on each side of the InLink unit.
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Appeal H - Ref: APP/X5990/Z/18/3217027
Outside Cambridge PH, Moor Street, Soho, London WC2H 0DP

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Neil Scoresby of British Telecommunications plc against the decision of City of Westminster Council.
 - The application Ref 18/07458/ADV, dated 29 August 2018, was refused by notice dated 22 October 2018.
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- The advertisement proposed is two Digital 55-inch LCD display screens, one on each side of the InLink unit.
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Appeal I - Ref: APP/X5990/Z/18/3217636
Junction of Great Titchfield Street and Oxford Street, Outside Aldo (184-188 Oxford Street), London W1B 2AE

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Neil Scoresby of British Telecommunications plc against the decision of City of Westminster Council.
 - The application Ref 18/06975/ADV, dated 17 August 2018, was refused by notice dated 8 October 2018.
 - The advertisement proposed is two digital 55 inch LCD display screens, one on each side of the InLink unit.
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Appeal J - Ref: APP/X5990/Z/18/3217642
Outside Matalan, 149-151 Oxford Street, London W1D 2JF

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Neil Scoresby of British Telecommunications plc against the decision of City of Westminster Council.
 - The application Ref 18/06978/ADV, dated 17 August 2018, was refused by notice dated 8 October 2018.
 - The advertisement proposed is two digital 55 inch LCD display screens, one on each side of the InLink unit.
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Appeal K - Ref: APP/X5990/Z/18/3217852
Junction of Great Portland Street and Gildea Street, London W1W 7NY

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by British Telecommunications plc against the decision of City of Westminster Council.
 - The application Ref 18/07276/ADV, dated 24 August 2018, was refused by notice dated 23 October 2018.
 - The advertisement proposed is two Digital 55-inch LCD display screens, one on each side of the InLink unit.
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Appeal L - Ref: APP/X5990/Z/18/3218459
Opposite no. 25 Coventry Street, London W1D 7AG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Neil Scoresby of British Telecommunications plc against the decision of City of Westminster Council.
 - The application Ref 18/07537/ADV, dated 31 August 2018, was refused by notice dated 8 November 2018.
 - The advertisement proposed is two digital 55-inch LCD display screens, one on each side of the InLink unit
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Appeal M - Ref: APP/X5990/Z/18/3218784
Outside Dennys, 55A Dean Street, Soho, London W1D 6AG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Neil Scoresby of British Telecommunications plc against the decision of City of Westminster Council.
 - The application Ref 18/07404/ADV, dated 29 August 2018, was refused by notice dated 22 October 2018.
 - The advertisement proposed is two Digital 55-inch LCD display screens, one on each side of the InLink unit.
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Decision

Appeal A

1. The appeal is allowed and express consent is granted for the display of an internally illuminated digital LED screen on two sides of the proposed free standing InLink, as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following conditions:
 - 1) The advertisements displayed shall be a series of static images, which individually feature no moving elements, dynamic displays or motion pictures. The speed of change between one static image and the next shall be no quicker than 12 seconds.

Appeal B

2. The appeal is allowed and express consent is granted for the display of an internally illuminated digital LED screen on two sides of the proposed free standing InLink, as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following conditions:
 - 1) The advertisements displayed shall be a series of static images, which individually feature no moving elements, dynamic displays or motion pictures. The speed of change between one static image and the next shall be no quicker than 12 seconds.

Appeal C

3. The appeal is allowed and express consent is granted for the display of an internally illuminated digital LED screen on two sides of the proposed free standing InLink, as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following conditions:
 - 1) The advertisements displayed shall be a series of static images, which individually feature no moving elements, dynamic displays or motion pictures. The speed of change between one static image and the next shall be no quicker than 12 seconds.

Appeal D

4. The appeal is allowed and express consent is granted for the display of an internally illuminated digital LED screen on two sides of the proposed free standing InLink, as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following conditions:
 - 1) The advertisements displayed shall be a series of static images, which individually feature no moving elements, dynamic displays or motion pictures. The speed of change between one static image and the next shall be no quicker than 12 seconds.

Appeal E

5. The appeal is allowed and express consent is granted for the display of two digital 55 inch LCD display screens, one on each side of the InLink unit, as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following conditions:
 - 1) The advertisements displayed shall be a series of static images, which individually feature no moving elements, dynamic displays or motion pictures. The speed of change between one static image and the next shall be no quicker than 12 seconds.

Appeal F

6. The appeal is allowed and express consent is granted for the display of two digital 55 inch LCD display screens, one on each side of the InLink unit, as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following conditions:
 - 1) The advertisements displayed shall be a series of static images, which individually feature no moving elements, dynamic displays or motion pictures. The speed of change between one static image and the next shall be no quicker than 12 seconds.

Appeal G

7. The appeal is allowed and express consent is granted for the display of two digital 55 inch LCD display screens, one on each side of the InLink unit, as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following conditions:
 - 1) The advertisements displayed shall be a series of static images, which individually feature no moving elements, dynamic displays or motion pictures. The speed of change between one static image and the next shall be no quicker than 12 seconds.

Appeal H

8. The appeal is allowed and express consent is granted for the display of two digital 55 inch LCD display screens, one on each side of the InLink unit, as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following conditions:

- 1) The advertisements displayed shall be a series of static images, which individually feature no moving elements, dynamic displays or motion pictures. The speed of change between one static image and the next shall be no quicker than 12 seconds.

Appeal I

9. The appeal is allowed and express consent is granted for the display of two digital 55 inch LCD display screens, one on each side of the InLink unit, as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following conditions:

- 1) The advertisements displayed shall be a series of static images, which individually feature no moving elements, dynamic displays or motion pictures. The speed of change between one static image and the next shall be no quicker than 12 seconds.

Appeal J

10. The appeal is allowed and express consent is granted for the display of two digital 55 inch LCD display screens, one on each side of the InLink unit, as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following conditions:

- 1) The advertisements displayed shall be a series of static images, which individually feature no moving elements, dynamic displays or motion pictures. The speed of change between one static image and the next shall be no quicker than 12 seconds.

Appeal K

11. The appeal is allowed and express consent is granted for the display of two digital 55 inch LCD display screens, one on each side of the InLink unit, as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following conditions:

- 1) The advertisements displayed shall be a series of static images, which individually feature no moving elements, dynamic displays or motion pictures. The speed of change between one static image and the next shall be no quicker than 12 seconds.

Appeal L

12. The appeal is allowed and express consent is granted for the display of two digital 55 inch LCD display screens, one on each side of the InLink unit, as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following conditions:

- 1) The advertisements displayed shall be a series of static images, which individually feature no moving elements, dynamic displays or motion pictures. The speed of change between one static image and the next shall be no quicker than 12 seconds.

Appeal M

13. The appeal is allowed and express consent is granted for the display of two digital 55 inch LCD display screens, one on each side of the InLink unit, as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following conditions:

- 1) The advertisements displayed shall be a series of static images, which individually feature no moving elements, dynamic displays or motion pictures. The speed of change between one static image and the next shall be no quicker than 12 seconds.

Preliminary Matters

14. There are thirteen different appeals (A – M), each relating to sites within City of Westminster. The advertisements proposed in each case are similar in nature. Each proposal has been considered on its own individual merits, but in the interests of conciseness and given the issues raised are similar, I have issued a single decision letter.
15. In each case, the advertisements are proposed on each side of InLink units. My consideration of these appeals however, is limited specifically to the advertisements and I have not considered the development of the InLink units as part of my decisions on these appeals for advertisement consent.
16. The Regulations and the National Planning Policy Framework (the Framework) state that advertisements should be subject to control in the interests of amenity and public safety. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material.
17. In some of the appeals, the Council has referred to the effect of the advertisements on the character and appearance of the conservation area, its setting, or the setting of nearby listed buildings. As such, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have had special regard to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest. In accordance with Section 72(1) of the Act I have paid special attention to the desirability of preserving or enhancing the character or appearance of the relevant conservation areas.

Main Issues

18. The main issues for Appeals A, B, C, D, E, H, I, J and L are the effect of the proposals on the amenity of the area and whether the proposals would preserve or enhance the character or appearance of the Conservation Area and nearby listed buildings.
19. The main issues for Appeal F are the effect of the proposal on the amenity of the area and public safety, and whether the proposal would preserve or enhance the character or appearance of the Conservation Area and nearby listed buildings.
20. The main issues for Appeals G, K, and M are the effect of the proposals on the amenity of the area and whether the proposals would preserve or enhance the character or appearance of the Conservation Area.

Reasons

Appeal A

21. The appeal site is a section of the pavement near the junction of Great Titchfield Street and East Castle Street. The site lies within the East Marylebone Conservation Area (EMCA) and also adjacent to 164-182 Oxford Street, a grade II listed building. The area surrounding the appeal site is characterised predominantly by a mix of commercial and retail units at ground floor level with the public realm cluttered with various items of street furniture, including cycle racks, benches, street lights, road signs and also a number of trees.
22. The appeal proposal would introduce a feature that would blend in with the existing signage in the shop fronts of the buildings that are in close proximity to the appeal site. The proposal would be located in an area which is largely tree lined. There are various other public realm clutter surrounding the site and although the advertisements may be higher than the existing telephone kiosks, the advertisements would not be overly large and would not detract from the appearance of the street scene or the character of the EMCA.
23. The grade II listed building 164-182 Oxford Street is an impressive building designed in 1905-06 by Frank Atkinson with advice from R. Norman Shaw for Waring and Gillow's. The building however, is set amongst a range of retail and commercial premises with visually prominent signs and advertisements, some of which are illuminated. The addition of the proposed advertisement which would not be dominant or have an illumination that would not be distracting, would ensure that the setting of the listed building would not be adversely harmed.
24. I have had regard to the Planning Officers report, including a dismissed appeal against a refusal of advertisement consent (PINS ref: 2176090, WCC ref: 12/01088/ADV). However, I do not have the full details of these decisions and therefore cannot be sure that they represent a direct parallel to the proposal including in respect of location, design and scale. In any case, I have determined this appeal on its own basis.

Appeal B

25. The appeal site lies within the public footway with the surrounding area characterised by a mix of retail and commercial properties. Directly adjacent to the appeal site are cycle racks, street light, a tree and a post box. The site is within close proximity to, and visible from, the primary retail area of Oxford Street. The appeal site is in the EMCA and adjacent to the boundary of the Regent Street Conservation Area (RSCA). The building of 214-234 Oxford Street is also directly adjacent to the site and is a grade II listed building.
26. There are retail properties within close proximity to the site which have shop windows that display advertisements and signage that are illuminated and would be much larger than the proposed advertisements. Due to the size and level of illumination of the proposed advertisements, they would not appear as incongruous features within this existing setting.
27. The style of the built form in the area is variant, with red brick material and late-Victorian and Edwardian Arts and Craft style becoming more prominent as you travel north from the appeal site. The adjacent grade II listed building, 214-234 Oxford Street, is of classical style with Beaux Arts detailing but more neo-Greco features and positively contributes to the appearance of the built environment. Given the scale of the proposal, its back drop with existing shop fronts and the surrounding street clutter, I do not consider that the proposal would detract from the architectural styles of the surrounding buildings or the setting of the grade II listed building.
28. The proposed advertisements would be higher than the existing telephone kiosks currently on the appeal site but would not be higher than some of the signs and advertisements in the surrounding shop fronts. The proposal would be sensitive in scale and illumination and would not be an intrusive feature within the retail and commercial function of the area. The proposal would not have harmful effects on the character and appearance of the EMCA or the setting of the RSCA.

Appeal C

29. The proposed advertisements would be located on the wide public footpath in the retail area of Oxford Street. The appeal site is located within the RSCA and is characterised by having a vibrant retail and commercial function with shops at ground floor and first floor levels. The grade II listed building, 214-234 Oxford Street, is positioned directly adjacent to the appeal site.
30. The proposal is of a modern design which would complement the existing signs and advertisements of shop fronts which are visually prominent within the street scene. The proposal would be an increase in height compared to the existing telephone kiosks. However, when compared against existing shop front signs and advertisements, some of which reach up to first floor level, the proposal would not appear as a dominant structure.
31. It is noted that the majority of the existing signs and advertisements are located within the street facing building frontages. The scale of the advertisement and the proposed level of illumination would not be an alien feature within the wider setting of the street scene and would be viewed primarily with a back drop of the existing shop signs and advertisements.

32. The buildings in the RSCA are of traditional architectural design including the grade II listed 214-234 Oxford Street which was designed in 1912 by Sir Henry Tanner with later extensions designed by H.A. Hall and Clarkson. These buildings, whilst incorporating traditional architectural styles, mostly have large shop fronts with modern signs and advertisements. The proposal would not look out of place within this setting and would not detract from the architectural features of the buildings within the RSCA and the setting of the adjacent grade II listed building.

Appeal D

33. The appeal site is located on a wide section of public footpath outside the Sports Direct store. The surrounding area is characterised predominantly by retail and commercial buildings. The site is located within the EMCA and adjacent to the grade II* listed building, 156-162 Oxford Street.
34. The proposed advertisements are sensitive in scale, height, location and level of illumination, particularly when viewed against the back drop of the large and visually prominent signage visible around the Sports Direct store. The proposal would not have an adverse effect on the visual amenity of the surrounding area.

The grade II* listed building of 156-162 Oxford Street is an early example of steel framed structure faced with Pentelikon marble and slate roofing. This building sits within the retail street with its many shop fronts incorporating signage and advertisements. The proposal, given its size, would have minimal adverse effects on the special architectural qualities of the grade II* listed building, particularly when viewed in the context of the surrounding retail shop fronts. The proposal would not be an incongruous feature and would not harm the character and appearance of the EMCA or the setting of the grade II* listed building.

Appeal E

35. The appeal site is located on the public footpath being within the EMCA and in close proximity to the boundary of the Harley Street Conservation Area (HSCA). The area is characterised primarily by commercial properties and retail shops at ground floor level. The proposed advertisements would also be positioned adjacent to 78 and 80 Great Portland Street which are grade II listed buildings.
36. The surrounding area has a cluttered appearance with various street furniture including waste bins, street lights, road signs and telephone kiosks. The proposal would blend in with this existing street paraphernalia and be an unobtrusive object within the street scene. The proposed height, form and level of illumination would not be dominant set within the existing street clutter and would not detract from the character and appearance of the EMCA or nearby HSCA.
37. The proposed advertisement would be located directly adjacent to shop fronts which contain signage and advertisements. The proposal would be primarily viewed against the back drop of these shops and the views towards the grade

II listed buildings of 78 and 80 Great Portland Street would not be blighted by the proposed structure. The proposal would be positioned in a location that would not be harmful to the setting of the grade II listed building.

38. I have had regard to concerns raised against the proposal including from Fitzrovia Neighbourhood Association, Transport for London and the Council's Highways Officers. The concerns raised however do not alter my findings on the main issues, nor do they amount to harm in which I consider it necessary to dismiss the appeal.

Appeal F

39. The appeal site is located on a section of wide public pavement, directly adjacent a mature tree and next to the highway junction of Great Portland Street with the A501. The proposed advertisements would be positioned within the Regents Park Conservation Area (RPCA) and opposite the grade II listed building, Great Portland Street Underground Station, and the grade I listed building, Holy Trinity Church. The area has a range of modern and traditional buildings including retail and commercial properties with the church and underground station nearby.
40. The Great Portland Street Underground Station grade II listed building which is faced with cream faience tiles with slate mansard roof, and the grade I listed Holy Trinity Church which was designed by Sir John Soane in 1825-7 have both architectural and historical importance. These listed buildings are set within a primarily retail and commercial area adjacent to a main highway junction where there is a significant amount of street clutter including road signs, street lights, traffic signals, bus stops, benches, bollards. In addition to this there are a number of retail shop fronts which have signage and advertisements. The proposal would not be a large feature when viewed in the context of the surrounding street clutter and shop front signage and advertisements. The proposal would not be sited in close range to the listed buildings and would not detract from the historical or architectural importance of the buildings.
41. Due to the form, size and design of the proposed advertisements, they would not appear intrusive within the existing mix of modern and traditional buildings in the area and would therefore not compromise the appearance of the historic townscape. I also do not find that the proposed level of illumination would be harmful to the surrounding area. The proposal would not be discordant feature within the area and would preserve the character of the RPCA.
42. The footpath in the location of the appeal site is of significant width and the proposed advertisements would use up less of the footpath than the existing telephone kiosks. The proposal would also be sited adjacent to an existing mature tree, therefore there would be sufficient space for pedestrians to navigate the footpath without the proposal being an obstacle. The proposed advertisements would display a series of static images which would not feature any motion video images. These static images would change every 12 seconds, and this would not adversely distract motorists or pedestrians. The proposal would not adversely compromise public safety.

43. I have had regards to comments made by the Fitzrovia Neighbourhood Association and the Marylebone Association however, no matters have been raised which alter my findings above.

Appeal G

44. The appeal site is located on the public footpath directly adjacent a site which is currently under construction. The surrounding area is mainly characterised by retail and commercial properties that are a mix of traditional and modern architectural styles. The site does not lie within a conservation area however, it does lie adjacent to the Soho Conservation Area (SCA) to the south and the EMCA to the west.
45. The proposal is of a modern design and would not be out of keeping with the existing mix of architectural designs in the surrounding area. The advertisements would be taller than the existing telephone kiosks however, in the context of the wider retail area, with large shop fronts displaying signage and advertisements, the proposal would not appear as an incongruous feature. The proposal would be sensitive in size, design and level of illumination and there would be no harm to the historic landscape and the setting of the nearby SCA and EMCA would be preserved.
46. My attention has been drawn to an advertisement consent (Council Ref: 17/08350/ADV) which was refused outside 76 Oxford Street. However, I do not have full details of this proposal or the circumstances that led to it been refused consent and so cannot be sure that it represents a direct parallel to the appeal proposal, including in respect of size, design and level of illumination. In any case, I have determined the appeal on its own merits.
47. I have had regard to comments made by New West End Company and Soho Society however, the matters raised do not dissuade me from my assessment of the main issues.

Appeal H

48. The proposed advertisements would be located within a large area of public highway. The surrounding area consists of predominantly retail and commercial properties with the public realm areas cluttered with street furniture including cycle racks, bins, street lights, road signs and traffic signals, trees and a shop stall. The appeal site is located within the SCA and also adjacent to the grade II* listed Palace Theatre building.
49. Whilst the appeal site is set within a location of historic architecture, the proposal would not appear jarring when viewed in the context of the more modern signage and advertisements visible in the shop fronts at ground floor level in the area. The proposal would be taller than the existing traditional kiosk however, given its slim design it would not appear as a dominating structure. Set amongst the existing street clutter in the area, the proposal, even with some illumination, would not be an intrusive alien feature that would compromise the character and appearance of the SCA.

50. The grade II* listed Palace Theatre was built in 1888-1891 as the Royal Opera House by T E Collcutt and G H Holloway for Richard D'Oyly Carte. This building has significant historical and architectural importance and positively contributes to the character of the surrounding area. The Palace Theatre is set within a retail and commercial area with shop fronts and associated signage and advertisements surrounding the building. That being said, the public realm directly in front of the Theatre is largely clear of any structures which provides mostly uninterrupted views of the attractive building. The proposal would not be located directly in front of the Theatre and would be set to the side near a large mature tree. Due to the positioning, scale and design of the proposal, it would not have a harmful effect on the historic and architectural qualities of the grade II* listed Palace Theatre.
51. I have had regard to the Planning Officers Report, including an appeal decision (Ref: APP/X5990/H/12/2176374) for an advertisement outside 39 Charing Cross Road. I do not have the full details of this decision and therefore I cannot be sure whether this would be comparable to the proposal subject of this appeal, particularly with regards to positioning, design and scale. Nevertheless, I have assessed this appeal proposal on its own merits.

Appeal I

52. The appeal site is a section of public highway near the junction of Great Titchfield Street and Oxford Street. The site lies within the EMCA and also adjacent to the grade II listed building of 164-182 Oxford Street. The area surrounding the appeal is characterised primarily by a mix of retail and commercial units at ground floor level with the public realm cluttered with various street furniture including benches, street lights, cycle racks, bins and a detached shop kiosk.
53. The proposed advertisements would introduce a feature that would blend in with the existing signage and advertisements in the shop fronts that are close to the appeal site. The proposal would sit comfortably within the existing street clutter surrounding the site and the scale, design and level of illumination of the advertisements would not be visually intrusive and would not detract from the character and appearance of the street scene or the EMCA.
54. The grade II listed 164-182 Oxford Street building is architecturally impressive and set amongst retail and commercial properties which have signage and advertisements that are visually prominent, some of which are illuminated. The introduction of the proposal would not be a dominant feature and would not be harmful to the setting of the nearby listed building.
55. My attention has been brought to a dismissed appeal against a refusal for advertisement consent (reference numbers quoted as "PINS ref: 2176090, WCC ref: 12/01088/ADV). However, I do not have the full details of this appeal or the application and therefore I cannot be sure that it represents a direct comparable to proposal subject of this appeal, including in respect of siting, scale, design and illumination levels. In any case, I have determined this appeal on its own merits.

56. I note that the New West End Company have raised objections to the proposal. These objections do not alter my findings on the main issues discussed above.

Appeal J

57. The appeal site is located on a section of public footpath within the retail area of Oxford Street. The surrounding area is characterised by mainly retail and commercial properties. The site is located within the SCA and adjacent to the grade II listed 147 Oxford Street building.
58. The proposals would be sensitive in size, height, design and illumination, particularly when viewed in the context of the surrounding shop fronts which have visually prominent signage and advertisements. The proposed advertisements would not be intrusive features within the surrounding area and would not detract from the character of the SCA.
59. The grade II listed building, 147 Oxford Street, was built in 1897 and designed by Gordon, Lowther and Gunton. This building was designated due to its special architectural interest as a remarkably ornate late-C19 small scale commercial building in the neo-Jacobean/Flemish Renaissance style, with lavish carved stonework. This building does sit within the predominantly retail area and its setting is defined by shop fronts which display a range of different signage and advertisements, some of which are illuminated. In this setting, and given the size and design of the proposal, I do not consider that the proposed advertisements would adversely compromise the special architectural qualities of the listed building. The proposal would not be a dominating feature and would not have a harmful effect on the setting of the grade II listed 147 Oxford Street building.
60. I have had regard to objections raised by Transport for London and the Soho Society, however the matters raised do not alter my findings described above.

Appeal K

61. The appeal site is located in an area of public highway at the junction of Great Portland Street and Gilda Street. The site is located in the HSCA. The area is vibrant and commercial in character with shop fronts visibly present in the street scene, along with street furniture including cycle racks, street lights, road barriers, road signs and trees. There are a number of unlisted buildings in the area, including the Brock House building, which contribute to the historic character and appearance of the area surrounding the appeal site.
62. The proposal would be located within an area which has buildings of historic architecture. The proposal however, would not appear jarring when viewed against the shop fronts which contain signage and advertisements. The proposed advertisements would be higher than existing traditional telephone kiosks however, due to the proposals slim design it would not appear as a dominating feature. Set amongst the existing street paraphernalia, the advertisements and the level of illumination proposed, would not be an intrusive alien structure and would not adversely affect the appearance of the surrounding area or the character of the HSCA.

63. I acknowledge that there are a number of unlisted buildings in the area that are of high quality architectural and historic value. The proposal however, due to its positioning, size and design would not have a harmful effect on the historic and architectural qualities of the surrounding buildings.
64. In my assessment of the proposal I have had regard to the concerns raised by the Marylebone Association. The matters raised by the Association has not altered my findings on the main issues.

Appeal L

65. The appeal site is located on the public footpath outside of 25 Coventry Street being within the Haymarket Conservation Area (HCA) and close to the SCA, Chinatown Conservation Area (CCA) and Leicester Square Conservation Area (LSCA). The area is characterised predominantly by retail and commercial properties. The proposal would also be close to the grade II listed buildings of 22 Coventry Street, the Trocadero and the Prince of Wales Theatre.
66. The area surrounding the site has a cluttered appearance with various street paraphernalia including road signs, bins, post boxes. The proposal would blend in with the street clutter in the area and be an unobtrusive feature within the street scene. Due to the height, form and proposed level of illumination of the proposal, it would not appear as a dominating object set amongst the existing street clutter. The proposal would not have a detrimental effect on the character and appearance of the HCA or the nearby SCA, CCA and LSCA.
67. The proposal would be set amongst a range of shop fronts that contain signage and advertisements. The proposed advertisements would be primarily viewed in this setting and I do not consider that the proposed design, scale or illumination would have a harmful effect on the setting of the listed buildings that are in close proximity to the site.

Appeal M

68. The appeal site is situated within the public footpath outside 55a Dean Street which is also within the SCA. The area is characterised mainly by retail and commercial properties with the ground floor level dominated by shop fronts.
69. The proposed advertisements would be sensitive in scale, height, design and level of illumination, particularly when viewed in the context of the surrounding shop fronts which contain signage and advertisements. The proposal would also sit comfortably with the existing street furniture in the area which includes cycle racks, street lights, road signs and trees. The proposed advertisements would not be intrusive features within the street scene and would not have a harmful effect on the character and appearance of the SCA.

Conditions

All appeals A - M

70. In addition to the five standard conditions which are set out in the Regulations, I consider it necessary to prohibit moving images and restrict the movement of

static images to twelve seconds, in the interests of highway safety and amenity.

Conclusions

71. In all the above cases, I conclude that the proposals would not be detrimental to the amenity of the area and there would be no harm to the significance of designated heritage assets. I therefore do not find that the proposals conflict with Policies S7, S25 and S28 of the Westminster City Plan 2016, Policies DES1, DES7, DES8, DES9 and DES10, including paragraphs 10.108 and 10.128 of the City of Westminster Unitary Development Plan 2007, the Supplementary Planning Document "Westminster Way" 2011 and City of Westminster Advertisement Design Guidelines. These policies, paragraphs and guidance seek to secure the highest standards of design in all advertisements, preserve or enhance the character or appearance of conservation areas and their settings and to protect and enhance listed buildings and their settings.
72. In Appeal F, I consider that the proposal would not have a harmful effect on public safety and would be compliant with Policy S41 of the Westminster City Plan 2016 and Policy TRANS 3 of the City of Westminster Unitary Development Plan 2007 which seeks all development to prioritise pedestrian movement and improve conditions to make walking a safer, quicker, more direct and more attractive form of travel.
73. I note that the Council have stated that the Mayor of London in conjunction with Westminster City Council and other parties are reviewing the future of Oxford Street. Full details of this review have not been presented as evidence with these appeals. Nevertheless, the determination of the appeals has been made against the development plan policies as described above.
74. For the reason given above, and taking all other matters raised into account, I conclude that the appeals should be allowed.

Chris Baxter

INSPECTOR