
Appeal Decisions

by T A Wheeler BSc (Hons) T&RP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2019

Appeal A - Ref: APP/X5990/Z/18/3218196

Outside 53 Grosvenor Gardens, London SW1V 1JY

- 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 on behalf of BT against the decision of City of Westminster Council.
- The application Ref 18/6990/ADV, dated 17 August 2018, was refused by notice dated 16 October 2018.
- The advertisement proposed is: two digital 55-inch LCD display screens, one on each side of the InLink unit.

Appeal B - Ref: APP/X5990/Z/18/3218203

Opposite 300 Vauxhall Bridge Road, London SW1V 1AA

- 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 on behalf of BT against the decision of City of Westminster Council.
- The application Ref 18/06998/ADV, dated 17 August 2018, was refused by notice dated 16 October 2018.
- The advertisement proposed is: two Digital 55-inch LCD display screens, one on each side of the InLink unit.

Appeal C - Ref: APP/X5990/Z/18/3218205

Outside 250 Vauxhall Bridge Road, London SW1V 1AU

- 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 on behalf of British Telecommunications PLC against the decision of City of Westminster Council.
- The application Ref 18/07387/ADV, dated 29 August 2018, was refused by notice dated 16 October 2018.
- The advertisement proposed is: two Digital 55-inch LCD display screens, one on each side of the InLink unit. .

Appeal D - Ref: APP/X5990/Z/18/3212663

Wilton Road, Outside No 25 the Willow Walk Pub, London SW1V 1LW

- 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 18/04600/ADV, dated 29 June 2018, was refused by notice dated 13 August 2018.
- The advertisement proposed is: Display of an internally illuminated digital LED screen on two sides of the proposed free standing InLink .

Appeal E - Ref: APP/X5990/Z/18/3216595
Outside 174 Vauxhall Bridge Road, London SW1V 1DX

- 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 on behalf of British Telecommunications PLC against the decision of City of Westminster Council.
- The application Ref 18/07391/ADV, dated 29 August 2018, was refused by notice dated 16 October 2018.
- The advertisement proposed is Two Digital 55-inch LCD display screens, one on each side of the InLink unit.

Appeal F - Ref: APP/X5990/Z/18/3217103
Junction of Bridge Street and Belgrave Road, London SW1V 1QB

- 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 on behalf of BT against the decision of City of Westminster Council.
- The application Ref 18/06996/ADV, dated 17 August 2018, was refused by notice dated 16 October 2018.
- The advertisement proposed is: two digital 55 inch LCD display screens, one on each side of the InLink unit. .

Appeal G - Ref: APP/X5990/Z/18/3217218
Outside 215 Vauxhall Bridge Road, London SW1V 1EJ

- 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 on behalf of British Telecommunications PLC against the decision of City of Westminster Council.
- The application Ref 18/07389/ADV, dated 29 August 2018, was refused by notice dated 25 October 2018.
- The advertisement proposed is Two Digital 55-inch LCD display screens, one on each side of the InLink unit..

Appeal H - Ref: APP/X5990/Z/18/3217603
Outside 62 Wilton Road, London SW1V 1DE

- 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 on behalf of BT against the decision of City of Westminster Council.
- The application Ref 18/07000/ADV, dated 17 August 2018, was refused by notice dated 16 October 2018.
- The advertisement proposed is: two digital 55 inch LCD display screens, one on each side of the InLink unit..

Appeal I - Ref: APP/X5990/Z/18/3217605
Outside the post office, 121 -125 Lupus Street, London SW1V 3EN

- 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 on behalf of BT against the decision of City of Westminster Council.
- The application Ref 18/07002/ADV, dated 17 August 2018, was refused by notice dated 16 October 2018.
- The advertisement proposed is: two digital 55 inch LCD display screens, one on each side of the InLink unit.

Appeal J - Ref: APP/X5990/Z/18/3217607

Outside Pimlico Academy, Lupus Street , London SW1V 3AT

- 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 on behalf of BT against the decision of City of Westminster Council.
- The application Ref 18/07004/ADV, dated 17 August 2018, was refused by notice dated 16 October 2018.
- The advertisement proposed is: two digital 55 inch LCD display screens, one on each side of the InLink unit.

Appeal K - Ref: APP/X5990/Z/18/3217610

Outside Pimlico Tube Station, junction of Rampayne Street, Tachbrook Street and Bessborough Street, London SW1V 2QS

- 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 on behalf of BT against the decision of City of Westminster Council.
- The application Ref 18/00701/ADV, dated 17 August 2018, was refused by notice dated 16 October 2018.
- The advertisement proposed is Two digital 55 inch LCD display screens, one on each side of the InLink unit.

Appeal L - Ref: APP/X5990/Z/18/3217733

Outside 32 Vauxhall Bridge Road, London SW1V 2QQ

- 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 on behalf of BT against the decision of City of Westminster Council.
- The application Ref 18/07013/ADV, dated 17 August 2018, was refused by notice dated 16 October 2018.
- The advertisement proposed is: Two digital 55 inch LCD display screens, one on each side of the InLink unit.

Decision

1. The following appeals are allowed: B,C,D,F,G,H,J, and K and express consent granted for two digital 55 inch LCD display screens, one on each side of the InLink unit. Consent is for five years from the date of this decision and subject to the five standard conditions set out in the Regulations and the additional conditions contained in the schedule.
2. The following appeals are dismissed: A,E,I and L.

Procedural Matter

3. The Regulations and the National Planning Policy Framework (the Framework) both make clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
4. The application forms describe the advertisements as stated in the banners and the Council adopts a slightly longer description in its decisions. For brevity I refer to the proposals as 'the InLink unit' or 'display' as appropriate.
5. Section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply to advertisement control, however the development plan policies are material considerations and I refer to the relevant policies in my assessment of each appeal. The Council has referred to extended sections of supporting text

from the Westminster Unitary Development Plan¹ (WUDP). Whilst I have had regard to these sections of the WUDP in my decisions, I do not refer to them in my conclusions.

6. My decisions relate solely to the display of the advertisements forming part of each proposed InLink unit. In a number of cases the Council had raised concerns regarding the potential for users of the telecommunications apparatus which would be contained in the unit to obstruct pedestrian flow. Whilst I have noted these concerns they have little bearing on the effect that the advertising content alone would have on either amenity or public safety.

Main Issues

7. The Council maintains that it is taking forward action to have redundant telephone kiosks removed as they no longer perform a useful telecommunications purpose. However, the presence of the existing kiosks is a material consideration to which I have given moderate weight in my decisions.
8. The Council consider there to be effects on public safety in a number of the appeals and in those cases I give consideration to that issue. In all cases the issue of the effect of the proposed advertisements on visual amenity and the character and appearance of the area is relevant.
9. Where relevant, possible effects on designated heritage assets have been considered. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 66 Under Section 66 of the Act places a duty to consider whether granting planning permission for the proposal would preserve the listed building or its setting or any features of special architectural or historic interest which it possesses. Should I have find less than substantial harm to designated heritage assets I will consider whether this harm would be outweighed by the public benefits of the proposal.

Reasons

10. The appellant has provided a number appeal decisions which he considers have some similarity to the appeals. All are within Westminster. The first relates to a proposed illuminated digital panel, part of a new telephone kiosk, outside the National Audit Office, 157 – 197 Buckingham Palace Road London².
11. The second relates to a decision at 50 – 52 Buckingham Palace Road³
12. The third appeal relate to a similar case outside 102 Brompton Road, London⁴.
13. The fourth case relates to a similar case outside 6 -10 Great Portland Street, London⁵.
14. The fifth case relates to an appeal against the refusal of advertisement consent for a panel on a bus shelter at IFO Whiteleys, Queensway London⁶.

¹ Adopted 2007

² APP/X5990/Z/17/3182306 dated 22 September 2017

³ APP/X5900/Z/17/3182188 dated 6 December 2017

⁴ APP/X5990/Z/17/3182307 dated 22 December 2017

⁵ APP/X5990/W/17/3182012 dated 6 December 2017

⁶ APP/X5990/Z/16/3156856 dated 17 November 2016

15. In all cases advertisement consent was allowed. Whilst it is reasonable for the appellant to draw attention to other decisions which he feels have similarities to these proposals and therefore should be taken into account, the appeals have to be decided on the individual planning merits.

Appeal A - Outside 53 Grosvenor Gardens

16. The InLink unit would be sited within a section of footway to the front of an office building, no 52 and adjoining ground floor premises in commercial use. There is presently a single telephone kiosk which would be replaced by the InLink unit.
17. There are a number of other items of street furniture nearby, including a post box, bins, a street tree and bus stop. At the time of my visit the bus stop were busy picking up and dropping off tours.
18. To the opposite side of the road are gardens which contain an impressive statue of Marshall Foch, a Grade II* Listed Building. The nearby terrace, 36 – 50 Grosvenor Gardens is Listed Grade II and the site is within the Grosvenor Gardens Conservation Area (GGCA). Although there are other items of street furniture close by, the advertising display would appear out of keeping with the character of the GGCA and the setting of the nearby listed buildings at no 36 – 50. This harm would be less than substantial. The Council's reason for refusal refers to moving images, however the application is for static images only.
19. The Framework is clear that great weight should be given to the conservation of heritage assets and I see no basis for concluding in the less than substantial harm would be outweighed by any public benefit arising from the advertising display.
20. Transport for London (TFL) and the Highways Planning Manager consider that the use of the InLink unit could result in obstruction to pedestrians and that this could pose a risk to safety by diverting pedestrians into the carriageway. Given that the proposed display is next to the position of the existing phone kiosk, the proposal would not cause any significant potential obstruction, or risk to safety than presently exists. The Council's reason for refusal refers to driver distraction. Given the to the position of the unit, and that images would be static, the risk of driver distraction would be low.
21. I therefore conclude that the proposed InLink display would harm the visual amenity of the area, including the GGCA and the setting of nearby the Listed Buildings 36 – 50 Grosvenor Gardens, taking account of Policies S25 and S28 of the Westminster City Plan⁷ and DES 1, DES 8, DES 9 and DES 10 of the Westminster Unitary Development Plan⁸ (WUDP) which seek to ensure that development achieves a high standard of design, does not harm heritage assets or their settings, and that advertisements are appropriate to the street scene and will not, normally, include moving digital displays. It would not give rise to risk to highway safety, taking into account Policy S41 of the Westminster City Plan, TRANS 2 and TRANS3 of the WUDP and the Westminster Way Supplementary Planning Document⁹ which seek to ensure a

⁷ Revision to Westminster City Plan November 2016

⁸ Adopted January 2007

⁹ Adopted 6 September 2011

safe and convenient environment for pedestrians and that all development helps to achieve road accident reduction.

Appeal B - Opposite 300 Vauxhall Bridge Road

22. The proposed InLink unit would be sited in the footway adjacent to the front of the New Victoria Theatre. The unit would be a short distance from 2 existing telephone kiosks which would be removed. There is some other street furniture nearby including a bus stop sign and bollard.
23. The New Victoria Theatre is Grade II* listed and an impressive example of Art Deco design. The proposed display would have less adverse impact on the setting of the building than the existing telephone kiosks. Although higher than the existing kiosk, given the slender design of the unit, its effect on the character of the listed building would be neutral. The surrounding area is commercial in character and the proposed display would not appear incongruous in such surroundings.
24. The Westminster Cathedral Conservation Area (WCCA) is located to the east of the site, although the properties immediately opposite the site on Vauxhall Bridge Road are outside the boundary of the WCCA. In view of the degree of separation of the site from the WCCA, and the scale of buildings in the locality, the effect on the setting of the would be neutral. Impact on setting of the WCCA is not a reason for refusal.
25. I therefore conclude the siting of the proposed InLink display would not harm the visual amenity of the area, taking into account Policies S25 and S28 of the Westminster City Plan and DES 1, DES 8, DES 9 and DES10 of the WUDP which seek to ensure that development achieves a high standard of design, does not harm heritage assets or their settings, and that advertisements are appropriate to the street scene and will not, normally include moving digital displays.

Appeal C - Outside 250 Vauxhall Bridge Road

26. The proposed InLink unit would be sited within pavement to the front of a property called Ashley Mansions and a public house. On the opposite side of the street is a hotel and bus stop. There is a limited amount of other street furniture within the section of footway where the display is proposed, consequently it would not result in a perception of clutter.
27. TFL and the Council's Highways Planning Manager object to the location of the InLink unit on grounds that persons using it may obstruct the movement of traffic and the safety and comfort of pedestrians on the footway. However the footway is wide the display would be a replacement for an existing kiosk. In terms of the adverting display, it would not cause harm to public safety. There is a concern that moving images could affect highway safety which I accept could be an issue. The Council also refers to the method of illumination but does not explain why that could lead to driver distraction. However, the application is clear that static images only would be displayed. I attach a condition to ensure that this is the case.
28. The predominant character of the area is commercial. The nearest buildings to the proposed display are traditional in appearance but are not listed, and the site is not within the WCCA.

29. I therefore conclude the siting of the proposed InLink display would not harm the visual amenity of the area, taking into account Policies S25 and S28 of the Westminster City Plan and DES 1, DES 8 of the WUDP which seek to ensure that development achieves a high standard of design, does not harm heritage assets or their settings, and that advertisements are appropriate to the street scene and will not, normally, include moving digital displays. It would not give rise to risk to highway safety, taking into account Policy S41 of the Westminster City Plan, TRANS 2 and TRANS3 of the WUDP and the Westminster Way SPD which seek to ensure a safe and convenient environment for pedestrians and that all development helps to achieve road accident reduction.

Appeal D - Wilton Road, Outside No 25 the Willow Walk Public House

30. The proposed InLink display would replace 2 existing BT call boxes in a section of Wilton Road close to Victoria Station and the New Victoria Theatre. The site is on pavement outside of a public house, and opposite bus stops and alongside a taxi rank. There are some bike stands and a street tree close by.
31. The surrounding area is commercial in character and the proposed InLink display would replace the existing call box. Whilst the display would be a more prominent feature due to its greater height and the incorporation of illuminated panels, it would not cause harm to visual amenity given its position in relation to other items of street furniture, the openness of the street and levels of activity around about, including bus stops.
32. Although sited in close proximity to the Grade II* listed New Victoria Theatre, the addition of the display would have a minor effect on the setting of the asset due to its slender design. Any effect should also be balanced against the removal of the 2 existing kiosks. There would be no harm to the WCCA due to the distance from and degree of separation caused by intervening buildings.
33. The display would be sited in a wide section of footway. It is acknowledged that persons using the services available at the proposed facility could congregate in the footway, however this would be unlikely to cause inconvenience to passing pedestrians to the width of the unobstructed footway. The planning officer report states that TFL and the Council Highway Planning Officer consider that the proposal is unacceptable on pedestrian and highway safety grounds however these matters do not form one of the reasons for refusal, and any issues concerning the congregation of users of the telecommunications facility fall outside the scope of advertisement control.
34. I therefore conclude the siting of the proposed InLink display would not harm the visual amenity of the area, taking account of Policies S25 and S28 of the Westminster City and DES 1, DES 8 and DES 9 of the WUDP which seek to ensure that development achieves a high standard of design, does not harm heritage assets or their settings, and that advertisements are appropriate to the street scene and will not, normally, include moving digital displays.

Appeal E - Outside 174 Vauxhall Bridge Road

35. The proposed InLink display would replace an existing single phone kiosk within the pavement, close to traffic lights at the junction of Vauxhall Bridge Road and Rochester Row. The display would be in front of a building which appears to be in mixed use, and close to a bookmakers and public house. The footway is wide

- and the only other item of street furniture is a bin. There is a bus stop a short distance within the same section of footpath. On the opposite side of the street is a building in mixed use, with what appear to be residential units at upper floors. Adjoining that building is a listed terrace, in a range of uses.
36. The proposed display would form a prominent visual feature in the street scene. It would have some effect on the setting of the listed buildings on the opposite side of the street. Given the presence of some residential units close to the site, at upper floors, the display would cause some harm to the visual appearance of the area due to its modern appearance and bright LED panels.
37. The Council considers that the display would harm the setting of the Pimlico Conservation Area (the PCA) and Lillington and Longmore Gardens Conservation Area (the LLGCA). Due to the distance between the site and the nearest part of the conservation areas such effects would be very limited and not of sufficient weight in themselves to support refusal of consent.
38. TFL have objected to the proposal on grounds of both potential for driver distraction from images on the moving screens and blocking of the footway by persons using the services available at the proposed facility. However, any issues concerning the congregation of users of the telecommunications facility fall outside the scope of advertisement control.
39. With regard to potential driver distraction and risk to highway safety, due to the distance from the light controlled junction and 30 mph speed limit such risks would be low and not in themselves of sufficient weight to support refusal of consent. However, were I to allow consent in this location it would be conditional on the displays not featuring moving images, which could distract drivers.
40. I therefore conclude that the proposed InLink display would harm the visual amenity of the area, taking account of Policies S25 and S28 of the Westminster City Plan and DES 1, DES 8 and DES 9 of the WUDP which seek to ensure that development achieves a high standard of design, does not harm heritage assets or their settings, and that advertisements are appropriate to the street scene and will not, normally, include moving digital displays. It would not give rise to risk to highway safety, taking into account Policy S41 of the Westminster City Plan, TRANS 2 and TRANS3 of the WUDP and the Westminster Way SPD which seek to ensure a safe and convenient environment for pedestrians and that all development helps to achieve road accident reduction.

Appeal F - Junction of Bridge Street and Belgrave Road

41. The application form also refers to the address 89 Eccleston Square, SW1V 1QB. The application form refers to Bridge Street, although from the road signs it would appear this should be Bridge Place.
42. The proposed InLink unit would replace 2 existing telephone kiosks sited within the footway adjacent to the Passport Offices. The site plan submitted with the application shows the pedestrian crossing on Bridge Place incorrectly, however in other respects it is correct. There is other street furniture close by, including a bench, a traffic light pole and also a large street tree. The location therefore could be perceived as cluttered. The display would be screened in some views by the presence of the street tree, and would therefore have a limited effect on

the visual appearance of the area as a whole, despite being taller than the existing kiosks and the inclusion of the illuminated panels to front and rear.

43. The site lies just outside of the PCA and for the reason give above, the proposed display would have limited effects on the setting of the CA.
44. There are concerns over the cluttered nature of the location and the effect that the InLink unit may have on pedestrian flows. However, the display would occupy less area than the existing payphones and any issues concerning the congregation of users of the telecommunications facility fall outside the scope of advertisement control and do not form one of the Council's reasons for refusal.
45. I therefore conclude the siting of the proposed InLink display would not harm the visual amenity of the area, taking into account Policies S25 and S28 of the Westminster City Plan and DES 1, DES 8 and DES 9 of the WUDP which seek to ensure that development achieves a high standard of design, does not harm heritage assets or their settings, and that advertisements are appropriate to the street scene and will not, normally, include moving digital displays.

Appeal G - Outside 215 Vauxhall Bridge Road

46. The proposed InLink unit would be sited within a wide section of pavement, close to the junction of Tachbrook Street and Vauxhall Bridge Road. The display would be to the front of an office, close to the entrance to a leisure centre, and in proximity to other street furniture, including bike stands, a street map/bike pay station, large road sign and 2 existing phone kiosks which would be replaced with the InLink unit. The unit would be sited closer to the kerb line than the existing kiosks. There is a large street tree close to the proposed position.
47. The area has a mixed character, with leisure, residential, office uses and shop. The proposed display would not increase the perception of clutter, given that the existing telephone kiosks would be removed. There are no designated heritage assets in close proximity to the site, although the PCA lies to the south. The display would have a neutral effect on the setting of the CA.
48. TFL comment that the proposed location could interfere with the use of the adjacent bike docking station and potentially obscure the views of drivers. These matters are not raised by the Council in its reason for refusal and I do not see a problem in principle. However, I can see no good reason for the display to be located closer to the kerb edge than the existing bike pay station and lamp post. I therefore attach a condition requiring the final positioning of the display to be agreed with the local planning authority.
49. I therefore conclude the siting of the proposed InLink display would not harm the visual amenity of the area, taking into account Policies S25 and S28 of the Westminster City Plan and DES 1, DES 8 and DES 9 of the WUDP which seek to ensure that development achieves a high standard of design, does not harm heritage assets or their settings, and that advertisements are appropriate to the street scene and will not, normally, include moving digital displays.

Appeal H -Outside Octavia Foundation, 62 Wilton Road

50. The proposed InLink unit would be site within pavement to the front of a shop within a small shopping parade. There are existing telephone kiosks which are to be removed located a short distance away where the width of the footway is reduced by the presence of an outdoor seating area to a restaurant. Between the 2 locations is a street tree and some bike stands. Although there is some street furniture within the section of footway where the display is proposed, it would not result in a perception of clutter due to the removal of the existing kiosks.
51. On the opposite side of the street are more commercial premises at ground floor and what appear to be residential units at upper storeys. These residential units are set back from the street and would be affected little by the presence of the displays.
52. The PCA is located a significant distance from the proposed site of the InLink unit. As a consequence, any effects on the setting of the CA would neutral.
53. I therefore conclude the siting of the proposed InLink display would not harm the visual amenity of the area, taking into account Policies S25 and S28 of the Westminster City Plan and DES 1, DES 8 and DES 9 of the WUDP which seek to ensure that development achieves a high standard of design, does not harm heritage assets or their settings, and that advertisements are appropriate to the street scene and will not, normally, include moving digital displays.

Appeal I - Outside the post office, 121 -125 Lupus Street

54. The proposed InLink Unit would be site in pavement to the front of a shopping parade. At upper floor levels there are flats, and the character of the area is mixed, including both commercial and residential uses. There is some existing backlit advertising to some premises. Within the footway there are litter bins, some street signs, a bus stop on the opposite side of the street and one a short distance away on the same side as the proposed display. However the immediate location is relatively uncluttered with existing street furniture.
55. The location is within the Churchill Gardens Conservation Area (CGCA), which comprises an area of innovative post war housing development. On the opposite side of Lupus Street is the PCA. The effect of the display on the character of the CGCA and setting of the PCA would be limited but amounting to less than substantial harm
56. The Framework is clear that great weight should be given to the conservation of heritage assets and therefore I see no basis for concluding in the less than substantial harm would be outweighed by any public benefit arising from the advertising display.
57. Bringing the above points together, I conclude that the proposed InLink display would harm the visual amenity of the area. It would fail to comply with Policies S25 and S28 of the Westminster City Plan and DES 1, DES 8 and DES 9 of the WUDP which seek to ensure that development achieves a high standard of design, does not harm heritage assets or their settings, and that advertisements are appropriate to the street scene and will not, normally, include moving digital displays.

Appeal J - Outside Pimlico Academy, Lupus Street

58. The proposed InLink unit would be sited as a replacement for an existing telephone kiosk, to the front of a school building of a modern design. The display would be seen against an existing boundary wall to the Academy and would sit approximately half way between 2 large street trees. There are some plant cabinets and bike stands nearby, and a bus stop with an advertising panel, but the replacement of the existing kiosk with the display would not result in a perception of clutter.
59. Although there are residential properties at the upper floors of properties on the opposite side of the street, within the PCA, the display would be perpendicular to those properties, providing limited visibility of the advertising content from the closest dwellings. The character of the setting would be largely institutional.
60. For the above reasons, the proposed display would have a very limited effect on the amenity of the area or the setting of the PCA and these effects could be considered as neutral.
61. I therefore conclude the siting of the proposed InLink display would not harm the visual amenity of the area, taking into account Policies S25 and S28 of the Westminster City Plan and DES 1, DES 8 and DES 9 of the WUDP which seek to ensure that development achieves a high standard of design, does not harm heritage assets or their settings, and that advertisements are appropriate to the street scene and will not, normally, include moving digital displays.

Appeal K - Outside Pimlico Tube Station, junction of Rampayne Street, Tachbrook Street and Bessborough Street

62. The InLink unit would be sited in a broadly triangular shaped area of pavement close to the entrance to Pimlico Tube Station. The InLink unit would be positioned very close to the site of an existing telephone box which would be removed. The area contains a cluster of street furniture, including the tube station sign, bike stands, street map and bollards. There is also a bus stop on Bessborough Street. The space is relatively open and the replacement of the existing kiosk would not create a perception of clutter. Given this context, the addition of the InLink unit, as a replacement for the existing kiosk would have little visual impact.
63. The site is adjacent to the LLGCA, an interesting post war housing development. Although not mentioned in the Council's reason for refusal, the site is also opposite the PCA. The buildings closest to the proposed display are mainly commercial or institutional. Given the presence of other street furniture any effects on the setting of either CA would be neutral, and the displays would not harm visual amenity.
64. There are a number of listed buildings in the area, including 9- 19 Bessborough Street, a terrace of Grade II listed houses and the Grade II listed ventilation shaft cover. The modern office building 33 Vauxhall Bridge Road - 2 Bessborough Street immediately next to the site of the display, is Grade II listed and specifically referred to in the Council's reasons for refusal. For the reason given in relation to the CAs, the effect on the setting of these listed buildings would be neutral.

65. I therefore conclude the siting of the proposed InLink display would not harm the visual amenity of the area, taking into account Policies S25 and S28 of the Westminster City Plan and DES 1, DES 8 and DES 9 of the WUDP which seek to ensure that development achieves a high standard of design, does not harm heritage assets or their settings, and that advertisements are appropriate to the street scene and will not, normally, include moving digital displays.

Appeal L - Outside 32 Vauxhall Bridge Road

66. It is intended that the proposed InLink unit would replace an existing telephone kiosk at the junction of Vauxhall Bridge Road and Rampayne Street. The display would be site in a section of pavement between and an office building, Drummond Gate, some distance from the existing kiosk.
67. The siting is close to the Grade II listed building, 33 Vauxhall Bridge Road- 2 Bessborough Street, although the impact on the setting of that asset would be neutral and no greater than that of the existing kiosk which would be removed.
68. The Council considers that the proposed display could distract drivers. Whilst that could be a concern if moving images are to be displayed, it is proposed that only static images would be displayed.
69. There is presently a bus stop, street light column, traffic sign, and cycle way bollard within the section of footway. Despite the removal of the existing telephone kiosk, the display would at to the perception of clutter, and cumulatively with the existing advertisement attached would cause harm to the appearance of the locality.
70. I therefore conclude that the proposed InLink display would harm the visual amenity of the area, taking account of Policies S25 and S28 of the Westminster City Plan and DES 1, DES 8 and DES 9 of the WUDP which seek to ensure that development achieves a high standard of design, does not harm heritage assets or their settings, and that advertisements are appropriate to the street scene and will not, normally, include moving digital displays. However it would not give rise to risk to highway safety, taking into account Policy S41 of the Westminster City Plan, TRANS 2 and TRANS3 of the WUDP which seek to ensure a safe and convenient environment for pedestrians and that all development helps to achieve road accident reduction.

Conditions

71. In the case of all the allowed appeals, I attach conditions relating to the making good of the pavement area around the InLink unit; a limitation on the level of nighttime illumination; and a restriction limiting the advertisements to static images only. These conditions are required in order to protect the quality of the environment at each location.
72. With regard to the minimum time during which pieces of content would be displayed, the Council has suggested that the speed of change be not less than 12 seconds, in the interests of visual amenity and preventing distraction to drivers. The appellant has suggested that the minimum display time for each image should be 10 seconds, and the changeover time between images not greater than 1 second. The Council does not provide an explanation as to why it considers a period of 12 seconds to be required as opposed to 10 seconds. I

am unaware of any technical guidance suggesting that a period of 12 seconds is required in the interests of either public safety or amenity. I also note that in the 5 appeal decisions brought to my attention, in all but one of those cases a minimum 10 second display period is required. In these appeals I consider that 10 seconds is an appropriate limitation, with no greater than a 1 second changeover, and given that the need for the condition is in all cases based on amenity considerations.

73. The displays are sited close to the public highway. To avoid confusion for highway users, it is necessary to ensure that any advertisement content does not resemble road traffic signs and a condition to that effect is attached.
74. In all cases where the appeals are allowed the proposed InLink unit is a replacement for an existing kiosk or kiosks. In each case a condition is needed to require the removal of the existing kiosk/s. The appellant suggest that this takes place within a period of 3 months from the commencement of works. I agree that this would be reasonable and for each approval attach a bespoke condition linking these works to the approved plan.
75. In the case of Appeal G, I attach an additional bespoke condition requiring final siting to be agreed, for the reason given previously.

Conclusions

76. For the reasons given, appeals A,E,I and L are dismissed and appeals B,C,D,F,G,H,J,and K are allowed.

Tim Wheeler

INSPECTOR

Schedule of Conditions

In the case of Appeals B,C,D,F,G,H,J, and K the following conditions are attached:

- 1) The pavement surrounding the InLink shall be made good to the same condition as the adjacent land prior to the operation of the advertisement display.
- 2) The intensity of the illumination of the two digital display screens shall not exceed 600 candelas per square metre (cd/m²) between dusk and dawn in line with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'.
- 3) The digital display screens shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements).
- 4) The minimum display time for each piece of content on the digital display screens shall be 10 seconds.

- 5) The interval between each piece of content on the digital display screens shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.
- 6) No content on the digital display screens shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act

The following additional condition(s) is attached in each consent:

Appeal B - Ref: APP/X5990/Z/18/3218203

- 7) Within three 3 months of development commencing the existing BT payphones shown on WES068 Proposed Site Plan Drwg no 002 Rev A shall be removed in their entirety and the land made good to the same condition as the adjacent land.

Appeal C - Ref: APP/X5990/Z/18/3218205

- 7) Within three 3 months of development commencing the existing BT payphones shown on WST-055 Site Plan REV A shall be removed in their entirety and the land made good to the same condition as the adjacent land.

Appeal D - Ref: APP/X5990/Z/18/3212663

- 7) Within three 3 months of development commencing the existing BT payphones shown on WST-068 Site Plan REV A shall be removed in their entirety and the land made good to the same condition as the adjacent land.

Appeal F - Ref: APP/X5990/Z/18/3217103

- 7) Within three 3 months of development commencing the existing BT payphones shown on WES066 shall be removed in their entirety and the land made good to the same condition as the adjacent land.

Appeal G - Ref: APP/X5990/Z/18/3217218

- 7) Within three 3 months of development commencing the existing BT payphones shown on WST-054 Site Plan REV A shall be removed in their entirety and the land made good to the same condition as the adjacent land.
- 8) Prior to installation, a plan showing the final positioning of the InLink shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the unit shall be installed in the approved position.

Appeal H - Ref: APP/X5990/Z/18/3217603

- 7) Within three 3 months of development commencing the existing BT payphones shown on WES071 - Proposed Site Plan Drwg no 002 Rev A shall be removed in their entirety and the land made good to the same condition as the adjacent land.

Appeal J - Ref: APP/X5990/Z/18/3217607

- 7) Within three 3 months of development commencing the existing BT payphones shown on WES074 - Proposed Site Plan Drwg no 002 Rev A shall be removed in their entirety and the land made good to the same condition as the adjacent land.

Appeal K - Ref: APP/X5990/Z/18/3217610

- 7) Within three 3 months of development commencing the existing BT payphones shown on WES075 - Proposed Site Plan Drwg no 002 Rev A shall be removed in their entirety and the land made good to the same condition as the adjacent land.