
Appeal Decisions

Site visit made on 6 August 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd September 2019

Appeal A Ref: APP/X5990/Z/18/3212661

Land at Bear Street, Junction of Charing Cross Road, London, WC2H 0DA

- 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 18/04583/ADV dated 28 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.'
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Appeal B Ref: APP/X5990/Z/18/3212833

Outside 9 Great Newport Street, London, WC2H 7JA

- 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 18/04422/ADV dated 29 May 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.'
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Appeal C Ref: APP/X5990/Z/18/3216056

Junction of Endell Street and Shelton Street, London, WC2H 9HZ

- 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 (BT) against the decision of City of Westminster Council.
 - The application Ref 18/07033/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.'
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Appeal D Ref: APP/X5990/Z/18/3216144

Outside Dexters, 120 Westbourne Grove, London, W11 2RR

- 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 (BT) against the decision of City of Westminster Council.
 - The application Ref 18/07017/ADV dated 17 August 2018, was refused by notice dated 15 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 E Ref: APP/X5990/Z/18/3216922

Charing Cross Road, opposite Garrick Theatre, London, WC2H 0HH

- 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 (BT) against the decision of City of Westminster Council.
 - The application Ref 18/06982/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.'
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Appeal F Ref: APP/X5990/H/18/3217047

Outside 82 Charing Cross Road, London, WC2H 0BA

- 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 (British Telecommunications PLC) against the decision of City of Westminster Council.
 - The application Ref 18/07452/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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Appeal G Ref: APP/X5990/Z/18/3217630

Outside Bond Street Tube Station, Adjacent to 350 – 352 Oxford Street, London, W1C 1JH

- 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 (BT) against the decision of City of Westminster Council.
 - The application Ref 18/07050/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 H Ref: APP/X5990/Z/18/3218195

Outside 127 Charing Cross Road, London, WC2H 0EW

- 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 (BT) against the decision of City of Westminster Council.
 - The application Ref 18/06980/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.'
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Appeal I Ref: APP/X5990/Z/18/3218537

Junction of Langley Court, Long Acre, London, WC2E 9LA

- 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 (British Telecommunications PLC) against the decision of City of Westminster Council.
 - The application Ref 18/07581/ADV dated 31 August 2018, was refused by notice dated 14 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 J Ref: APP/X5990/Z/18/3218723

Payphone Site Outside 41-49, St Martin's Lane, London, WC2N 4HX

- 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 (British Telecommunications PLC) against the decision of City of Westminster Council.
 - The application Ref 18/07587/ADV dated 31 August 2018, was refused by notice dated 31 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/18/3219047

Outside No. 408, Strand, London, WC2R 0NE

- 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 (British Telecommunications PLC) against the decision of City of Westminster Council.
 - The application Ref 18/07547/ADV dated 31 August 2018, was refused by notice dated 13 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 L Ref: APP/X5990/Z/18/3219066

Outside No. 151, Strand, London, WC2R 1HL

- 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 (British Telecommunications PLC) against the decision of City of Westminster Council.
 - The application Ref 18/07545/ADV dated 31 August 2018, was refused by notice dated 13 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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Decisions

Appeal A Ref: APP/X5990/Z/18/3212661

1. The appeal is dismissed.

Appeal B Ref: APP/X5990/Z/18/3212833

2. The appeal is dismissed.

Appeal C Ref: APP/X5990/Z/18/3216056

3. The appeal is dismissed.

Appeal D Ref: APP/X5990/Z/18/3216144

4. The appeal is dismissed.

Appeal E Ref: APP/X5990/Z/18/3216922

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 additional 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.
 - 2) Within 3 months of the advertisements hereby granted consent being displayed, the existing 2No. BT phoneboxes shall be removed in their entirety in accordance with the following Plans: Ref - 002 Rev A, 003 Rev A.

Appeal F Ref: APP/X5990/H/18/3217047

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 additional 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.
 - 2) Within 3 months of the advertisements hereby granted consent being displayed, the existing 2No. BT phoneboxes shall be removed in their entirety in accordance with the following Plans: Ref – WST-030 Rev A, 003 Rev A.

Appeal G Ref: APP/X5990/Z/18/3217630

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 additional 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.
- 2) Within 3 months of the advertisements hereby granted consent being displayed, the existing 2No. BT phoneboxes shall be removed in their entirety in accordance with the following Plans: Ref – 003 Rev A, 002 Rev A.

Appeal H Ref: APP/X5990/Z/18/3218195

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 additional 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.
- 2) Within 3 months of the advertisements hereby granted consent being displayed, the existing 2No. BT phoneboxes shall be removed in their entirety in accordance with the following Plans: Ref – 002 Rev A, 003 Rev A.

Appeal I Ref: APP/X5990/Z/18/3218537

9. The appeal is dismissed.

Appeal J Ref: APP/X5990/Z/18/3218723

10. The appeal is dismissed.

Appeal K Ref: APP/X5990/Z/18/3219047

11. The appeal is dismissed.

Appeal L Ref: APP/X5990/Z/18/3219066

12. The appeal is dismissed.

Procedural Matters and Background

13. I have taken the address in the banner heading above relating to 'Appeal J' from the Council's decision notice, as the address contained in the application form does not appear to be correct.
14. The appeals make reference to 'prior approval' for the associated 'InLink' installations, which are the structures within which the proposed advertisements would be sited. The appellant sought consent for the structures and the relevant applications were determined by the Council. I understand that whilst the Council refused the applications, the subsequent appeals relating to the InLink structures have been withdrawn. In any event, each of the appeals before me is made under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and therefore, I have determined each of the appeals on this basis, in accordance with the details set out in the banner headings above.
15. A number of the appeal sites are located within, or close to, Conservation Areas and/or close to statutorily listed buildings. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. I have considered this, and the effect of the proposals in relation to listed buildings, in respect of amenity, and this is set out in my reasoning below.
16. In addition to several main concerns relating to the proposed advertisements, the Council are also concerned at the prospect of the LCD screens displaying moving images and its method of illumination. The appellant has indicated that they would accept a planning condition which prevented dynamic/moving images.
17. I have been made aware of Regulation 7 directions¹ within the City of Westminster which removes deemed consent from certain types of advertisements. The Council have provided me with a copy of the areas affected which appears to cover the location of several of the appeal schemes. However, it does not affect the way in which I have determined these appeals, which I have considered on their individual merits in respect of amenity and public safety, as required by the Regulations.
18. In each of the Council's decisions, reference has been made to a range of policies and guidance. In reaching my decisions, where relevant, I have had regard to Policies DES1, DES8, DES9, DES10, TRANS 2 and TRANS 3 of the City of Westminster Unitary Development Plan 2007 and associated relevant paragraphs, and Policies S25, S28 and S41 of the Revision to Westminster's City Plan 2016. I have also taken into account relevant paragraphs of the National Planning Policy Framework (the Framework) and National Planning Practice Guidance.

¹ Regulation 7 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Main Issues

19. The main issues in each case are:

- The effect of the proposal on the visual amenity of the area (all Appeals).
- The effect of the proposal on public safety (Appeals A, B, E, F, G, H, J, K).

Reasons

20. The proposed digital display screens would measure approximately 121cm tall and 69cm wide. According to the submitted details, each of them would be integrated within, and sit either side of, a freestanding InLink installation of a contemporary style which would measure 290cm tall, 89cm wide and 28cm deep. The screen advertisements would sit within the upper portion of the InLink.
21. The maximum height of any individual letters and symbols would be 120cm. Each of the screens would consist of images which would change regularly and would be illuminated internally.
22. In all cases any existing telephone boxes, either within or close to the appeal sites as referenced on each of the submitted plans, would be removed as part of each proposal, unless otherwise stated.

Appeal A

23. The advertisements would be positioned on a slim designed unit (the InLink unit), replacing two rather tired looking telephone kiosks. Given their position, close to the existing phone kiosks, and on a relatively wide stretch of pavement, I see no reason why they would unacceptably impair the flow of pedestrians along this side of the pavement.
24. The site lies within the Leicester Square Conservation Area. The large period properties and ornate architectural detailing of the buildings, including the Grade II* Wyndham's theatre opposite, provide a sense of grandeur and enclosure to the street. This part of the street is 'greened' by the presence of large trees. Even though the appeal site lies amidst a run of more modern shop frontages, it would be positioned close to the edge of the pavement, appearing as a prominent feature in views along the street where there are no other advertisements of comparable scale and illumination.
25. A range of street furniture is evident, including bins, street lamps, bus shelters and road signs, the scale and design of each makes them less conspicuous in the street than the proposed advertisements. This part of the street is also bustling, and several commercial and shop frontages are illuminated. Nevertheless, the street retains its historic character, contrary to the proposed modern and illuminated advertisements which would be obtrusive given their elevated and isolated position in the street.
26. I find that the proposal would harm the character and appearance of the Leicester Square Conservation Area and the visual amenity of the area.

Appeal B

27. The appeal site is located on the pavement outside one of a number of ground-floor commercial units which front Great Newport Street, within the Covent Garden Conservation Area. The junction of Great Newport Street, Long Acre and Upper Martin's Lane which is fronted by impressive period buildings, including the 'Long Acre' public house which is Grade II listed, is visible in easterly views from the appeal site.
28. The appeal site lies away from the junction and beyond a black tiled faced four storey building which is Grade II listed. This building is reflective of the contrast of buildings found on Great Newport Street which vary in terms of their height and appearance. This, coupled with the narrowness of the street, gives it a more enclosed feel than some of the other streets nearby. The variety, and the traditional characteristics of the buildings within the street, contribute to the significance of the Conservation Area.
29. There are several telephone kiosks along the street but there is a notable lack of free-standing advertisements. Furthermore, the proposed advertisements, due to their scale, height and illuminated nature, in comparison with the more subdued appearance of existing street furniture, would appear overly dominant on this narrow street, to the detriment of the character and appearance of the area.
30. The appellant has referred me to a separate decision taken by the Council to grant a larger advertisement in a different location within a Conservation Area. Reference has also been made to an upheld planning appeal decision in which the Inspector held that digital adverts can 'add to the vibrancy' of a commercial street 'without affecting the significance' of a Conservation Area. I accept that there may be circumstances where an advertisement would preserve or enhance the significance of the Conservation Area. However, that is not reflective of the case before me which is, in any event, located away from the sites I have been referred to. I find nothing in the evidence before me to depart from my findings, which are based on the planning merits of the case.
31. Despite the Council's contention that the advertisements would be positioned too close to the road and may lead to vehicles striking them, this concern appears to relate to the InLink structures themselves and not the advertisements. I am satisfied that the imposition of a planning condition which prohibits the use of moving/dynamic images would ensure no unacceptable impact on highway safety, particularly as I have no evidence before me to suggest that similar existing digital advertisements have resulted in driver distraction and have directly led to accidents. Neither do I consider that the advertisements would adversely affect the free flow of pedestrians along the pavement. On this basis, I see no reason why the proposed advertisements would cause highway safety issues.
32. Nevertheless, I find that the proposed digital advertisements, due to their elevated position, modern design, and bright coloured illumination, would be at odds with the traditional character of the street, harming the character and appearance of the Covent Garden Conservation Area and the visual amenity of the area.

Appeal C

33. Whilst not referred to in the Council's decision notice, the accompanying officer report references the site location as being within the 'Haymarket Conservation Area' and within proximity of a Grade II listed building. Having received no clarification relating to the location of the heritage assets or how the proposal would affect them from the Council, and based on my understanding of the geographical location of the Conservation Area referred to, I have determined this case on the basis that it does not affect any designated heritage assets.
34. The appellant has also referred me to an appeal decision which was allowed² '300 m to the north of the appeal site', which, according to them, is 'similarly located off the Edgeware Road'. However, the current appeal site is located some distance away from the referenced appeal, and whilst I have had regard to the appeal decision, I cannot draw any meaningful comparisons between the two schemes given the different characteristics of each area. I have assessed this appeal on its own merits.
35. The appeal site lies close to the junction of Endell Street and Shelton Street. Aside from the existing telephone kiosks which would be removed, most of the other street furniture comprises slim lamp posts, street signs and small-scale cabinets. The appearance of buildings in the area is varied and despite the presence of ground-floor shops and commercial units nearby, on my site visit I noted a lack of large street furniture, illuminated free standing advertisements and prominent shop front displays.
36. The advertisements would sit within structures which would be taller than the kiosks they would replace. They would be positioned on a relatively open stretch of footpath and their elevated and prominent position in the street would appear obtrusive. Their presence would be amplified by their illuminated appearance which would be in contrast with the more subdued and traditional colours and shapes associated with existing buildings in the street.
37. As a result, I find that the digital display screens would be an unduly prominent feature within the street scene and harmful to the visual amenity of the area.

Appeal D

38. The site lies in the Westbourne Conservation Area which is characterised by an array of different building styles spanning different decades. The area includes several ground floor commercial units. The site lies adjacent to a more modern mixed-use development and to the east of a row of attractive period properties. Owing to numerous characterful buildings and the presence of trees alongside this wide road, the area has a pleasant character and appearance.
39. Even though the advertisements would be situated on a wide section of pavement and be partially screened in views from the east by a tree, there were no other illuminated advertisements visible near the site on my site visit. I appreciate that shop fronts in the area contain displays and illumination. However, the street does not exhibit an overriding commercial character, and

² Appeal reference – APP/X5990/W/17/3182338

the presence of modern illuminated digital advertisements, at the height proposed, would appear discordant and at odds with the more refined appearance of the area.

40. I am not able to draw any meaningful comparisons with the appeal cases I have been referred to by the appellant³. In both respective cases, the proposals appear to have been decided based on the presence of other advertisements and the commercial nature of their surroundings, which is not the case here.
41. For the foregoing reasons, I find that the proposal would harm the character and appearance of the Westbourne Conservation Area and the visual amenity of the area.

Appeal E

42. I observed on my site visit that the Grade II* listed Garrick Theatre is an imposing and characterful presence fronting Charing Cross Road. It lies amidst a row of other impressive period buildings which contribute to the significance of the Trafalgar Square Conservation Area.
43. The site lies on a pedestrian 'island' which sits generally between the theatre and a variety of period and less remarkable buildings which front both Orange Street and the side of Charing Cross Road which lies opposite the theatre. The pedestrian island itself is occupied by a telephone kiosk, bicycle racks, street lamps and bollards and appears rather cluttered. One of the lamp standards close to the appeal site is Grade II listed.
44. There are a number of illustrated displays which decorate the 'tourism island' kiosk further to the south and within the traffic island. Furthermore, the front of the theatre includes numerous illuminated displays reflective of the entertainment use of the building.
45. The proposal would include the removal of two telephone boxes, which themselves appear somewhat characterless and dated. I find that this would introduce some degree of relief and reduce street clutter. Despite the modern illuminated nature of the advertisements, they would appear in keeping with the various signage in the vicinity and would not appear out of place with their surroundings. Consequently, the proposal would preserve the appearance of the Conservation Area.
46. The Council has suggested that the advertisements would lead to driver distraction. However, the appellant agrees to the imposition of a planning condition which would prohibit the use of moving/dynamic images, which I find necessary. Whilst the advertisements would be located close to the road, and the images to be displayed would change intermittently and would be illuminated, there is no evidence before me to suggest that similar existing digital advertisements have resulted in driver distraction and have directly led to accidents. On this basis, I see no reason why the proposed advertisements would cause highway safety issues.

³ Appeal references – APP/X5990/Z/16/3156856 and APP/X5990/Z/17/3182012

47. Furthermore, given the width of the pedestrian island, and the removal of the existing telephone kiosks, I see no reason why their presence would unacceptably impair the flow of pedestrians in the area.
48. I therefore find that the proposed advertisements would not harm amenity or pose an undue risk to public safety.

Appeal F

49. The proposed advertisements would be set within a screen associated with an InLink unit located towards the outer edge of the pavement, in line with a lamp post, street trees and litter bins. The existing telephone kiosks would be removed.
50. There are a number of large characterful buildings located along the street, including a Grade II listed former church building opposite the site. However, several more modern, unexceptional buildings are positioned in between period properties along the street. The way in which the buildings express their age and architecture gives this part of Charing Cross Road a more varied character and appearance than the surrounding streets nearby.
51. The Council, in their decision notice, consider that the proposal would lead to an unacceptable impact on the Grade II listed building at 25 Lichfield Street. However, the appeal site is located on a different street, and large, more modern buildings lie in between the two. I was not able to obtain a line of sight to the appeal site from within the immediate setting of No. 25, thus I find that there would be no adverse impact on the setting of this listed building.
52. The advertisements would be set away from the junction of Charing Cross Road and Shaftsbury Avenue which is encircled by several imposing period buildings of splendour. The advertisements would be located aside a stretch of road that lacks uniformity, regularity and has a less pronounced architectural and historic richness than nearby street. Having regard to this, and the fact that the advertisements would align with the other street furniture on the pavement edge, they would not appear harmful to the street scene, despite their elevated nature and illumination.
53. I note the presence of the nearby Soho, Chinatown, and Covent Garden Conservation Areas. However, the appeal site lies outwith their respective boundaries and the significance of these Conservation Areas would not be undermined by the siting, location and design of the proposed advertisements.
54. The Council contends that the InLink structures would result in obstructions to pedestrians. However, I am obliged to consider the merits of the advertisements as part of this appeal, and not the structures within which the advertisements would sit. Furthermore, the appellant agrees to the imposition of a planning condition which would prohibit the use of moving/dynamic images, which I find necessary in the interests of highway safety. On this basis, I see no reason why the proposed advertisements would cause highway safety issues, nor affect the ability of pedestrians to freely walk along the pavement.

55. I therefore find that the proposed advertisements would not harm amenity or pose an undue risk to public safety.

Appeal G

56. The appeal site is located within a pedestrianised area which sits in front of Bond Street underground station entrance. It is set back from Oxford Street, but visible from it. Based on the plan submitted to me by the Council, it appears to lie just outside the Stratford Place Conservation Area.
57. Whilst I noted the presence of several historic buildings on my site visit, including No's 2 – 7 Stratford Place, which is a Grade II listed building and a dominant element of the part of the street within which the advertisements are proposed, like many of the ground floor commercial units on Oxford Street, the ground floor of the listed building includes a modern, partly internally and externally illuminated, shop front.
58. The appeal site lies within a bustling area. Modern street furniture, shop frontages and signage are prevalent in views at street level, and in the round, they sit comfortably in the presence of numerous historic buildings, which gives the area both a richness and venerable quality, and one which also appears modern and commercial. In this context, the modern illuminated advertisements would comprise a complementary addition to the street, being situated in a relatively inconspicuous position and away from Oxford Street, they would not harm the character and appearance of the area, or the character or appearance of the Stratford Place Conservation Area, or the setting of nearby listed buildings.
59. The siting of the advertisements on this modern pedestrian thoroughfare would not appear, nor would they unacceptably result in, street clutter, despite the presence of other street furniture. Whilst I appreciate that concerns have been raised by the Council concerning the InLink structure and the effect that the congregation of pedestrians around the structure may have on the free flow of other pedestrians, there is nothing before me to suggest that the proposed advertisements themselves would cause highway safety issues, or affect the ability of pedestrians to freely walk along the pavement.
60. I therefore conclude that the proposal would be acceptable in amenity and public safety terms.

Appeal H

61. Even though many of the streets within the Soho Conservation Area are narrow, comprising a variety of historic buildings, the same cannot be said for the immediate environs of the appeal site, which is situated on a wide street where the prominence of shop fronts exudes a commercial feel. This stretch of Charing Cross Road is lively, with a heavy footfall.
62. Whilst the street is fronted by a number of buildings with a historic architectural style, there are a variety of modern, ordinary building examples on the street. The appeal site is situated towards the outer edge of the pavement, in front of a retail unit which occupies the ground floor of an unexceptional four storey building.

63. Despite the larger scale of the proposed advertisements than the telephone kiosks they would replace, and the significant increase in visibility due to their illuminated nature, they would not be incongruous in the street, nor would they harm the character or appearance of the Soho Conservation Area and, therefore, would not adversely affect visual amenity.
64. The Council contends that the InLink structures would result in obstructions to pedestrians and highway safety in general. However, I am obliged to consider the merits of the advertisements as part of this appeal, and not the structures within which the advertisements would sit. Furthermore, the appellant agrees to the imposition of a planning condition which would prohibit the use of moving/dynamic images, which I find necessary in the interests of highway safety. On this basis, I see no reason why the proposed advertisements would cause a hazard to passing vehicles so as to result in unacceptable highway safety issues, nor affect the ability of pedestrians to freely walk along the pavement.
65. I therefore conclude that the proposal would be acceptable in amenity and public safety terms.

Appeal I

66. The site lies within the Covent Garden Conservation Area and close to several Grade II listed buildings. Despite the presence of a number of indistinct buildings, the narrowness of the street and the scale of several ornate period properties amplifies their presence and gives the street an intimate feel. Whilst the advertisements would appear against the backdrop of numerous shop fronts which include internal displays and varying levels of illumination, the presence of the proposed illuminated advertisements would overwhelm the traditional character of the street, to the detriment of the character and appearance of the area.
67. A range of street furniture is evident close to the appeal site, including bins, street lamps, and telephone kiosks. However, collectively, their design and appearance appears muted and unobtrusive. Whilst this part of the street is busy and has a commercial element to it due to the nature and appearance of the ground floor uses, the street retains its historic character, contrary to the proposed modern and illuminated advertisements, which would be prominent given their elevated nature and position close to the edge of the pavement.
68. I find that the proposal would harm the character and appearance of the Covent Garden Conservation Area and the visual amenity of the area.

Appeal J

69. The proposed advertisements would be positioned on a relatively wide and exposed section of pavement. The street contains a mix of buildings of different types and ages, including a large number of properties with traditional façade rhythms and architectural detailing which provide a richness and strong historic character.
70. Whilst noting the presence of the Trafalgar Square and Covent Garden Conservation Areas generally opposite, I appreciate that the appeal site is not

within either. Nevertheless, the illuminated advertisements would be an obtrusive intrusion into a largely traditional street which is enclosed on either side by numerous large, characterful buildings. The elevated position of the advertisements on a wide section of pavement, and the lack of illuminated street-level features in the area would only serve to exacerbate their visual dominance, which would be at odds with the prevailing character and appearance of the street.

71. The Council contends that the InLink structures would result in obstructions to pedestrians. However, I am obliged to consider the merits of the advertisements as part of this appeal, and not the structures within which the advertisements would sit. Furthermore, the appellant agrees to the imposition of a planning condition which would prohibit the use of moving/dynamic images, which I find necessary in the interests of highway safety. On this basis, I see no reason why the proposed advertisements would cause highway safety issues, nor affect the ability of pedestrians to freely walk along the pavement.
72. Nevertheless, for the foregoing reasons, I find that the proposal would harm the visual amenity of the area.

Appeal K

73. The appeal site is located within the southern portion of the Covent Garden Conservation Area. The Strand, within which the appeal site is located, is fronted by an array of leisure and retail uses at ground floor level which sit below a great many buildings with distinctive facades and ornate architectural detailing, exuding character. The nearby Adelphi Theatre and '409 and 410, Strand' are Grade II listed and a few of many characterful building examples, most of which are not listed, which contribute to the significance of the Conservation Area.
74. The building line along the Strand is generally consistent. This means that whilst illumination and other signage is present in the street, it is largely contained within the defined envelope of existing buildings. The notable exception to this is the Adelphi Theatre, the displays and illumination along its frontage being commensurate with its leisure use. Where street furniture exists, it is mostly slimline, traditional and/or subdued in terms of colour and design.
75. The elevated position of the proposal on the pavement, and lighting associated with the advertisements, would be an intrusive addition to the street. They would appear in stark contrast with the limited number of small-scale advertisements present in the street, and at odds with the commercial units, which are largely overwhelmed by the scale and historic design and appearance of the buildings within which they sit.
76. The Council is of the opinion that the InLink structures would result in obstructions to pedestrians, forcing them into the highway and potentially in front of oncoming traffic. However, I am obliged to consider the merits of the advertisements as part of this appeal, and not the structures within which the advertisements would sit. Furthermore, the appellant agrees to the imposition of a planning condition which would prohibit the use of moving/dynamic

images, which I find necessary in the interests of highway safety. On this basis, I see no reason why the proposed advertisements would cause highway safety issues, nor affect the ability of pedestrians to freely walk along the pavement.

77. Nevertheless, I find that the proposal would erode the characteristics of the Covent Garden Conservation Area which contribute to its significance, thus it would be harmful to the visual amenity of the area.

Appeal L

78. It is proposed to site two digital LCD advertisements towards the edge of the pavement and in front of both Somerset House, which is a Grade I listed building, and a narrow four storey building occupied at ground floor level by J & S Franklin Ltd.
79. The pavement on this part of the Strand is relatively wide and there are several commercial and retail frontages close to the appeal site, most of which contain varying degrees of signage and illumination. Along the street are litter bins, lighting columns, traffic lights and bus shelters which contain advertisements.
80. Somerset House is one of several landmark buildings on the Strand which contributes to the significance of the Strand Conservation Area. The street is strongly influenced by the presence of these buildings and of trees, which soften the area, and make a positive contribution to its character and appearance.
81. The nature of the advertisements means that they would transmit images and be illuminated. In many views, they would appear against the backdrop of Somerset House. The elevated and prominent position of the advertisements and their luminous appearance would be juxtaposed against the subtle colours of the street, and the magnificent architectural and historic significance of Somerset House. The proposal would be a jarring intrusion into the setting of the listed building which in turn would result in harm to the established character and appearance of the street.
82. I appreciate that various forms of signage are present in this area. However, on my site visit there were no examples I could find which were as prominent as, nor harmed the significance of the Conservation Area to the same extent as that I find with the appeal proposal.
83. For the foregoing reasons, the proposal would harm the character and appearance of the Strand Conservation Area, thus, it would be harmful to the visual amenity of the area.

Other Matters

84. A number of public benefits have been put forward by the appellant relating to the functionality of the InLink unit. However, these are matters relating to the unit itself which, for reasons I have explained, are not before me to consider as part of this appeal. In any event, advertisements should only be subject to control in the interests of amenity and public safety. There is no indication in the Regulations that other considerations either in favour or against proposals can be taken into account.

85. Aside from the specific cases I have referred to in my reasoning, several other appeal decisions for advertisements which have been allowed accompany each of the appellant's statements. I have had regard to each of these cases in reaching my decisions.

Conditions (Appeals E, F, G, H)

86. In addition to the standard conditions set out in the Regulations, the Council has suggested one other in the event the appeal succeeds, which relates to the nature of the advertisements to be displayed and their speed of change. In consultation with the appellant and the Council, I consider this to be reasonable in order to ensure a visually acceptable form of development and to minimise the potential for driver distraction.
87. I also consider it necessary to impose a condition requiring the removal of the telephone boxes referred to on each of the 'relevant plans', which accompanied the applications and is referred to above, as their removal would be required in the interest of visual amenity and public safety. The condition is worded to allow a short period of overlap so that the proposed advertisements may be displayed, and the existing telephone kiosks removed shortly after.
88. I am satisfied that the imposition of the aforementioned conditions meets the 6 'tests' as set out in paragraph 55 of the Framework.

Conclusion

89. For the reasons given above, Appeals E, F, G and H are allowed, subject to the conditions set out above. Appeals A, B, C, D, I, J, K and L are dismissed, for the reasons given above.

Matthew Woodward

INSPECTOR