
Appeal Decision

Site visit made on 6 August 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2019

Appeal Ref: APP/X5990/Z/19/3221498

Junction of Strand, Aldwych, London, WC2B 4BZ

- 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 18/07549/ADV, dated 31 August 2018, was refused by notice dated 13 December 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

1. The appeal is dismissed.

Procedural Matters

2. The appeal makes reference to 'prior approval' for the associated 'InLink' installations, which is the structure within which the proposed advertisements would be sited. The appellant sought consent for the structure and the relevant application was determined by the Council, which I understand was refused. In any event, the appeal before me is made under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and therefore, I have determined it on this basis, in accordance with the details set out in the banner heading above.
3. The appeal site is located within the Strand Conservation Area. 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 on a listed building, in respect of amenity, and this is set out in my reasoning below.
4. 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 their method of illumination. The appellant has indicated that they would accept a planning condition which prevented dynamic/moving images.
5. I have been made aware of a Regulation 7 direction¹ within the City of Westminster which removes deemed consent from certain types of advertisements. The Council have provided me with a copy of the area

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

affected which appears to cover the location of the appeal scheme. However, it does not affect the way in which I have determined the appeal, which I have considered on its individual merits in respect of amenity and public safety, as required by the Regulations.

6. The Council's decision refers to a range of policies and guidance. In reaching my decision I have had regard to Policies DES1, DES8, DES9 and DES10 of the City of Westminster Unitary Development Plan 2007 and associated relevant paragraphs, and Policies S25 and S28 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.

Main Issue

7. The main issue is the effect of the proposal on the visual amenity of the area.

Reasons

8. The appeal site is located within The Strand Conservation Area (CA). The proposal would replace an existing telephone box with two digital LCD advertisements located in front of Inveresk House, a characterful Grade II listed building. The street is strongly influenced by the presence of Inveresk House and other large buildings, and trees which soften the urban form. Collectively these elements contribute to the significance of the CA.
9. The advertisements would transmit images and be illuminated, unlike the non-illuminated advertisements which could be placed on the telephone box the proposal would replace. In many views along the street they would appear against the backdrop of Inveresk House. The elevated and prominent position of the advertisements and their luminous appearance would be at odds with the traditional appearance of the building and the verdant character of the street. The proposal would be an obtrusive intrusion in the setting of the listed building which in turn would result in harm to the established character and appearance of the street.
10. Whilst the local area includes a range of commercial units at ground floor level, many of which are illuminated, on my site visit none of these appeared as prominent in the street as, nor harmed the significance of the Conservation Area to the same extent as I find with the appeal proposal. Furthermore, whilst a range of street furniture with a vertical emphasis is evident in the area, the proposed advertisements would be in a more prominent position in the street, close to the listed building, and harmful to the character and appearance of the CA.
11. Accordingly, I find that the proposal would be harmful to the visual amenity of the area.

Other Matters

12. 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.

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

Conclusion

14. For the reasons given, the appeal is dismissed.

Matthew Woodward

INSPECTOR