
Appeal Decisions

Site visits made on 7 October 2019

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2019

All Appeals

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

Appeal A: APP/X5990/Z/18/3217894

Junction of Oxford Street and Old Cavendish Street, adjacent to 318 Oxford Street, London W1C 1HR

- The appeal is made by Mr Neil Scoresby (BT) against the decision of City of Westminster Council.
- The application Ref 18/07009/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.

Appeal B: APP/X5990/Z/18/3212837

James Street (Outside No 6-12), London W1C 1JR

- The appeal is made by British Telecommunications Plc against the decision of City of Westminster Council.
- The application Ref 18/04623/ADV, dated 2 June 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 freestanding InLink.

Appeal C: APP/X5990/Z/18/3213536

Outside Russell and Bromley, 484-486 Oxford Street, London W1C 1NA

- The appeal is made by British Telecommunications Plc against the decision of City of Westminster Council.
- The application Ref 18/06693/ADV, dated 1 August 2018, was refused by notice dated 19 September 2018.
- The advertisement proposed is two digital 55 inch LCD display screens, one on each side of the InLink unit.

Appeal D: APP/X5990/Z/18/3217140

Outside French Connection, 396 Oxford Street, London W1C 1JX

- The appeal is made by Mr Neil Scoresby (BT) against the decision of City of Westminster Council.
- The application Ref 18/07047/ADV, dated 17 August 2018, was refused by notice dated 2 October 2018.
- The advertisement proposed is two digital 55 inch LCD display screens, one on each side of the InLink unit.

Appeal E: APP/X5990/Z/18/3217724

Adjacent to 415-419 Oxford Street, Lumley Street, London W1C 2PG

- The appeal is made by Mr Neil Scoresby (BT) against the decision of City of Westminster Council.

- The application Ref 18/07039/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: APP/X5990/Z/18/3217791

Junction of Oxford Street and John Prince's Street, London W1B 2AE

- The appeal is made by Mr Neil Scoresby (BT) against the decision of City of Westminster Council.
 - The application Ref 18/06971/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 G: APP/X5990/Z/18/3217935

Outside Debenhams, 334-348 Oxford Street, near the junction of Vere Street, London W1C 1HR

- The appeal is made by Mr Neil Scoresby (BT) against the decision of City of Westminster Council.
 - The application Ref 18/06969/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 H: APP/X5990/Z/19/3221384

North Audley Street, adj to 453 Oxford Street, London W1C 2AU

- The appeal is made by Mr Neil Scoresby (British Telecommunications Plc) against the decision of City of Westminster Council.
 - The application Ref 18/10517/ADV, dated 5 November 2018, was refused by notice dated 23 January 2019.
 - 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: APP/X5990/Z/19/3221488

Marylebone Lane, adjacent to The Disney Store, 352 Oxford Street, London W1C 1JH

- The appeal is made by British Telecommunications Plc against the decision of City of Westminster Council.
 - The application Ref 18/07535/ADV, dated 31 August 2018, was refused by notice dated 28 January 2019.
 - 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

1. The appeal is allowed and express consent is granted for the display of two digital 55 inch LCD display screens, one of 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 intensity of the illumination of the two digital display screens shall be no greater than 600 candelas per square metre between dusk (local sunset time) and dawn (local sunrise time).
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- 2) The digital display screens shall not display any moving, or apparently moving, images (including, but not limited to, animation, flashing, scrolling, three-dimensional, intermittent or video elements) at any time. The screens shall at all times maintain a safety feature that will turn the screen off (ie show a black screen) or freeze the image in the event that the display experiences a malfunction or error.
- 3) No single image or item of content shall be displayed on either screen for fewer than 10 seconds. The transition between successive images shall take place over a period no greater than 1 second, and no visual effects, including fading, swiping or animation shall accompany those transitions.

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 freestanding 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 additional conditions:
 - 1) The intensity of the illumination of the two digital display screens shall be no greater than 600 candelas per square metre between dusk (local sunset time) and dawn (local sunrise time).
 - 2) The digital display screens shall not display any moving, or apparently moving, images (including, but not limited to, animation, flashing, scrolling, three-dimensional, intermittent or video elements) at any time. The screens shall at all times maintain a safety feature that will turn the screen off (ie show a black screen) or freeze the image in the event that the display experiences a malfunction or error.
 - 3) No single image or item of content shall be displayed on either screen for fewer than 10 seconds. The transition between successive images shall take place over a period no greater than 1 second, and no visual effects, including fading, swiping or animation shall accompany those transitions.

Appeal C

3. The appeal is allowed and express consent is granted for the display of two digital 55 inch LCD display screens, one of 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 intensity of the illumination of the two digital display screens shall be no greater than 600 candelas per square metre between dusk (local sunset time) and dawn (local sunrise time).
 - 2) The digital display screens shall not display any moving, or apparently moving, images (including, but not limited to, animation, flashing, scrolling, three-dimensional, intermittent or video elements) at any time. The screens shall at all times maintain a safety feature that will turn the screen off (ie show a black screen) or freeze the image in the event that the display experiences a malfunction or error.

- 3) No single image or item of content shall be displayed on either screen for fewer than 10 seconds. The transition between successive images shall take place over a period no greater than 1 second, and no visual effects, including fading, swiping or animation shall accompany those transitions.

Appeal D

4. The appeal is allowed and express consent is granted for the display of two digital 55 inch LCD display screens, one of 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 intensity of the illumination of the two digital display screens shall be no greater than 600 candelas per square metre between dusk (local sunset time) and dawn (local sunrise time).
 - 2) The digital display screens shall not display any moving, or apparently moving, images (including, but not limited to, animation, flashing, scrolling, three-dimensional, intermittent or video elements) at any time. The screens shall at all times maintain a safety feature that will turn the screen off (ie show a black screen) or freeze the image in the event that the display experiences a malfunction or error.
 - 3) No single image or item of content shall be displayed on either screen for fewer than 10 seconds. The transition between successive images shall take place over a period no greater than 1 second, and no visual effects, including fading, swiping or animation shall accompany those transitions.

Appeal E

5. The appeal is allowed and express consent is granted for the display of two digital 55 inch LCD display screens, one of 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 intensity of the illumination of the two digital display screens shall be no greater than 600 candelas per square metre between dusk (local sunset time) and dawn (local sunrise time).
 - 2) The digital display screens shall not display any moving, or apparently moving, images (including, but not limited to, animation, flashing, scrolling, three-dimensional, intermittent or video elements) at any time. The screens shall at all times maintain a safety feature that will turn the screen off (ie show a black screen) or freeze the image in the event that the display experiences a malfunction or error.
 - 3) No single image or item of content shall be displayed on either screen for fewer than 10 seconds. The transition between successive images shall take place over a period no greater than 1 second, and no visual effects, including fading, swiping or animation shall accompany those transitions.

Appeal F

6. The appeal is allowed and express consent is granted for the display of two digital 55 inch LCD display screens, one of 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 intensity of the illumination of the two digital display screens shall be no greater than 600 candelas per square metre between dusk (local sunset time) and dawn (local sunrise time).
 - 2) The digital display screens shall not display any moving, or apparently moving, images (including, but not limited to, animation, flashing, scrolling, three-dimensional, intermittent or video elements) at any time. The screens shall at all times maintain a safety feature that will turn the screen off (ie show a black screen) or freeze the image in the event that the display experiences a malfunction or error.
 - 3) No single image or item of content shall be displayed on either screen for fewer than 10 seconds. The transition between successive images shall take place over a period no greater than 1 second, and no visual effects, including fading, swiping or animation shall accompany those transitions.

Appeal G

7. The appeal is allowed and express consent is granted for the display of two digital 55 inch LCD display screens, one of 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 intensity of the illumination of the two digital display screens shall be no greater than 600 candelas per square metre between dusk (local sunset time) and dawn (local sunrise time).
 - 2) The digital display screens shall not display any moving, or apparently moving, images (including, but not limited to, animation, flashing, scrolling, three-dimensional, intermittent or video elements) at any time. The screens shall at all times maintain a safety feature that will turn the screen off (ie show a black screen) or freeze the image in the event that the display experiences a malfunction or error.
 - 3) No single image or item of content shall be displayed on either screen for fewer than 10 seconds. The transition between successive images shall take place over a period no greater than 1 second, and no visual effects, including fading, swiping or animation shall accompany those transitions.

Appeal H

8. The appeal is allowed and express consent is granted for the display of two digital 55 inch LCD display screens, one of 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 intensity of the illumination of the two digital display screens shall be no greater than 600 candelas per square metre between dusk (local sunset time) and dawn (local sunrise time).
- 2) The digital display screens shall not display any moving, or apparently moving, images (including, but not limited to, animation, flashing, scrolling, three-dimensional, intermittent or video elements) at any time. The screens shall at all times maintain a safety feature that will turn the screen off (ie show a black screen) or freeze the image in the event that the display experiences a malfunction or error.
- 3) No single image or item of content shall be displayed on either screen for fewer than 10 seconds. The transition between successive images shall take place over a period no greater than 1 second, and no visual effects, including fading, swiping or animation shall accompany those transitions.

Appeal I

9. The appeal is allowed and express consent is granted for the display of two digital 55 inch LCD display screens, one of 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 intensity of the illumination of the two digital display screens shall be no greater than 600 candelas per square metre between dusk (local sunset time) and dawn (local sunrise time).
 - 2) The digital display screens shall not display any moving, or apparently moving, images (including, but not limited to, animation, flashing, scrolling, three-dimensional, intermittent or video elements) at any time. The screens shall at all times maintain a safety feature that will turn the screen off (ie show a black screen) or freeze the image in the event that the display experiences a malfunction or error.
 - 3) No single image or item of content shall be displayed on either screen for fewer than 10 seconds. The transition between successive images shall take place over a period no greater than 1 second, and no visual effects, including fading, swiping or animation shall accompany those transitions.

Preliminary Matters

10. This decision relates to 9 different appeals within the City of Westminster. Whilst I have issued a single decision letter for conciseness, I have considered each appeal on its own planning merits.
11. Each appeal relates solely to the installation of advertisements on InLink units, not to the installation of the InLink units themselves. Accordingly, my consideration of the appeals is limited solely to the planning merits of those advertisements, and does not extend to the associated InLink units. Notwithstanding my decision on these appeals, the necessary permissions would still be required for those InLink units. Any granting of express consent for advertisements as part of this decision should not be construed as implying that such permissions would necessarily be forthcoming.

12. The National Planning Policy Framework (the Framework) states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. I have considered the appeals accordingly. As set out in the Planning Practice Guidance (PPG)¹, I have also taken into account the provisions of the development plan, insofar as they are material, and other relevant factors including other guidance which has been brought to my attention.

Main Issues

13. The main issue in each case is the effect of the proposed advertisements on the amenity of the appeal site and its surroundings.

Reasons

Locations

14. All of the sites are located in the City of Westminster. Some are within or adjacent to conservation areas, some are close to listed buildings. Where that is the case, those relevant heritage assets are identified and considered in the discussion of each appeal below.

Advertisements

15. In each case, two digital advertisement display screens are proposed, back-to-back, on an InLink unit. In all cases, the appellant has confirmed that the proposed advertisement panels would not feature moving images or incorporate dynamic displays, but would be used to display a series of static images, and has suggested a condition requiring a minimum display time of 10 seconds for each. The appellant has also confirmed that the level of illumination of each panel during the hours of darkness would be restricted to 600cd/m² which, I understand, would be within the maximum levels recommended by the Institute of Lighting Professionals. I have considered each appeal on the basis that the proposed displays would be installed and operated as thus described.

Appeal A – Junction of Oxford Street and Old Cavendish Street

16. The proposed advertisement would be set back slightly from the Oxford Street road frontage. However, it would be located between two large department stores, John Lewis and House of Fraser, both of which have large window displays extending back some way along the Old Cavendish Street frontage, beyond the appeal site. In both stores, those window displays extend to some height and create an almost continuous glazed frontage to their ground floor, allowing the store's lighting to be seen from the street, as well as containing some illumination themselves. The fascia of the canopy at John Lewis, which projects across the Old Cavendish Street pavement towards the site, is also internally illuminated.
17. Although the site is to the rear of a small food kiosk, it is nonetheless visible from Oxford Street. It is located adjacent to a small outdoor seating area which, together with the kiosk and the glazed shop frontages on either side, continues the sense of Oxford Street's busy, bustling commercial frontage into

¹ Paragraph Reference ID: 18b-026-20140306

this small pedestrianised area at the southern end of Old Cavendish Street. The proposed advertisements would therefore be seen in the context of that busy commercial frontage.

18. Whilst there are no other freestanding digital advertisements on Old Cavendish Street, there are a number of larger digital advertising panels on bus shelters on Oxford Street, outside John Lewis and House of Fraser, close by. In the context of that busy commercial frontage and other similar, larger signage nearby, and against the backdrop of the large shop windows on Old Cavendish Street immediately alongside them, the proposed advertisements would not appear unduly large, tall or discordant, and would not cause harm to the amenity of the area.
19. The site is within Harley Street Conservation Area (HSCA), which extends some distance to the north of Oxford Street beyond the site. The site's immediate surroundings within the HSCA are defined by the long, glazed store frontage of House of Fraser, which extends almost the full length of Old Cavendish Street alongside and beyond the site. Views of the site from other parts of the HSCA are very limited. In that context, and for the reasons given, the proposed advertisements would not appear discordant or cause harm to the character, appearance or significance of this part of the HSCA.
20. Given the separation distance between the site and the nearby listed building at 313 Oxford Street, the proposed advertisements would not cause harm to its setting.
21. For the reasons given, I therefore conclude that the proposed advertisements would not cause harm to the amenity of the appeal site or its surroundings, including the HSCA or nearby listed building.

Appeal B – Outside 6-12 James Street

22. The site is adjacent to 6-12 James Street, an attractive red brick building within Stratford Place Conservation Area (SPCA), the boundaries of which also include the appeal site. There are ground floor retail units on both sides of James Street alongside and beyond the site, including at The Body Shop, Phase Eight and Gap. Those units have large, glazed window displays extending along James Street which contain lighting and large display panels and/or advertisements, as well as allowing views into the retail units themselves. As a result, those large glazed displays continue the sense of activity and of a busy commercial frontage from Oxford Street onto the section of James Street alongside and beyond the site, and form part of the character of that part of the SPCA which includes the site.
23. Whilst set back slightly from Oxford Street, the proposed advertisements would nonetheless be visible in views from and towards it, and in the context of other advertising within shop windows on James Street. In that context, and having regard to the presence of a similar, but larger, digital advertisement panel on an existing telephone kiosk on the opposite side of James Street facing the site, the proposed advertisements would not appear unduly tall, large, dominant or discordant in views along James Street in either direction, and would not cause harm to the existing character or appearance of this part of the SPCA.

24. The appellant has made reference to a listed building at 368-370 Oxford Street around the corner from the site which, I observed, is also a tall, attractive building with a glazed retail frontage on its ground floor. Given the existing commercial context as described above, and the appeal site's separation from that nearby listed building, the proposed advertisements would not cause harm to its setting.
25. For the reasons given, I therefore conclude that the proposed advertisements would not cause harm to the amenity of the area, including the SPCA or nearby listed building.

Appeal C – Outside Russell and Bromley, 484-486 Oxford Street

26. The appeal site is located in front of a row of ground floor retail units on Oxford Street which have large, tall, predominantly-glazed shop fronts. At the time of my visit, many of those shop fronts contained screens displaying videos or moving graphics, including at the EE Shop on one side of the site, and at the Vodafone, Schuh and Marks and Spencer units in the other direction.
27. There are no existing digital advertisements in the footway along the section of Oxford Street which includes the appeal site. However, I observed double-sided digital display panels on numerous bus shelters on both sides of the road further along Oxford Street close to the site, including outside the grade II listed Selfridges department store building in one direction, and in front of the ground floor retail units below the Amba Hotel, within Portman Estate Conservation Area (PECA) in the other direction. Those existing advertisement panels, which are larger than those proposed in this case, are clearly visible from the appeal site in both directions, and form part of its wider context, in this bustling, dynamic commercial street scene.
28. Against the backdrop of those existing adjacent shopfronts and the displays and lighting within them, and in the context of similar, larger, existing adverts within the wider street scene, including within the PECA, the proposed advertisements would not appear unduly large, tall or discordant, and would not cause harm to the amenity of the appeal site or its surroundings, including the nearby PECA.

Appeal D – Outside French Connection, 396 Oxford Street

29. The appeal site is located within the footway on Oxford Street, in front of a commercial unit which was vacant at the time of my visit, but which has a tall, glazed shop front extending the full height of its ground and first floors. The adjoining unit was also vacant, and the shop front of that and other adjacent units further east along Oxford Street are lower. However, those shop fronts still contain a high proportion of glazing, with lighting in the window displays and within the shops themselves visible from the Oxford Street frontage. Those displays, and signage to those retail frontages, are an integral part of the character of this highly popular and busy commercial street scene.
30. The site is outside, but close to the boundaries of both the SPCA and the Mayfair Conservation Area (MCA). It is also close to Selfridges department store, a grade II listed building on the other side of Duke Street, which has large, two storey high shop windows facing Oxford Street and Duke Street. On both sides of Oxford Street, immediately in front of the Selfridges building

within the SPCA, and on the opposite side of Oxford Street within the MCA, is a series of bus shelters which all have existing double-sided digital advertisement screens similar in appearance to, but larger than, those proposed in the current appeal. Those existing displays form part of the modern commercial setting of that large department store building, which itself has a variety of displays within its large shop windows, and are also part of the highly commercial character of those parts of the SPCA and the MCA close to the site.

31. The proposed advertisements would be seen in the context of those similar, larger digital displays, but would be small enough, and sufficiently separated from them, to avoid appearing unduly dominant or creating advertisement clutter within the wider street scene. In the context of those existing advertisements, the variety of signage on nearby retail units, and the commercial frontage formed by the large, glazed shop fronts of nearby buildings, the proposed advertisements would not appear discordant and would not cause harm to the amenity of their surroundings, including the nearby listed building and conservation areas.

Appeal E – Adjacent to 415-419 Oxford Street, Lumley Street

32. The appeal site is located on Lumley Street, close to the junction with Oxford Street, and within the MCA. It is set back slightly from Oxford Street, behind a food kiosk, but is nonetheless visible in views from and towards Oxford Street's busy commercial frontage. The kiosk on which the advertisements are proposed would replace two existing telephone kiosks, which display some non-illuminated advertisements at present.
33. The two buildings on Lumley Street on either side of the site have commercial units on their lower floors. One of those buildings was under renovation at the time of my visit. The other, an Adidas store, has its glazed entrance angled towards the corner of the Oxford Street junction, close to the appeal site, and large glazed window displays facing Oxford Street, one of which contained a large video screen displaying moving images at the time of my visit. The proposed advertisements, whilst set back from Oxford Street, would be seen within the context of that existing glazed frontage, and the glazing which continues along its side elevation, alongside the appeal site and beyond it on Lumley Street.
34. In views towards and from Oxford Street, the proposed advertisements would also be seen in the context of other, larger double-sided digital display panels on bus shelters on both sides of Oxford Street close to the site. Some of those existing displays are within the MCA, and form part of the modern, commercial character of that part of the MCA which includes the site and the section of Oxford Street alongside it. One such display is located in front of the Lumley Street junction, close to the appeal site, and would be visible alongside the proposed displays in views towards and from Oxford Street.
35. In the context of the site's highly commercial surroundings, and given the presence of other similar, larger, digital advertisement display screens in the immediate vicinity, the proposed advertisements would not appear unduly large, tall, dominant or incongruous within their immediate or wider setting. They would therefore not cause harm to the amenity of the site or its surroundings, including the MCA. Nor would they cause harm to the setting of

the listed Selfridges building on the opposite side of Oxford Street, given the separation distance between them and the presence of other similar displays on bus shelters outside Selfridges on the opposite side of Oxford Street.

Appeal F – Junction of Oxford Street and John Prince’s Street

36. The Council’s decision notice and the main parties’ submissions for this appeal refer to an adjacent listed building at 261-271 Regent Street. That appears to be an abbreviation of the listed building’s address, which is given in the listing description as ‘1 and 2 John Princes Street W1, 240 Oxford Street W1, 261-271 Regent Street W1, 28 Great Castle Street W1, Oxford Circus W1’. For conciseness, I have also adopted that abbreviation but, for the avoidance of doubt, I have considered the effect of the development on the listed building as a whole.
37. The site is located within a wide area of pavement close to the junction of Oxford Street and John Prince’s Street. The advertisements would be set back slightly from the main Oxford Street road frontage. However, they would nonetheless be visible in views along Oxford Street, and in views towards it from John Prince’s Street.
38. The H&M store which occupies the lower floors of the listed building at 261-271 Regent Street adjacent to the site has large ground floor shop windows facing John Prince’s Street and Oxford Street. At the time of my visit, some of those windows were covered with very large, non-illuminated advertisement panels, whilst others contained illuminated window displays, with the shop lighting also visible through those glazed frontages. Those retail frontages and large displays form part of the existing character of the listed building and, together with other similar, large, illuminated window displays on retail units around the adjacent Oxford Circus junction, form an integral part of the bustling, highly commercial character of its setting, and of this part of the Regent Street Conservation Area (RSCA).
39. There is an existing telephone kiosk on the opposite side of John Prince’s Street with a digital advertising display screen facing towards the appeal site. Existing bus shelters with similar, large digital advertising display panels are also visible on both sides of Oxford Street slightly further beyond that adjacent display.
40. The proposed advertisements would be smaller than those existing digital screens on the nearby phone box and bus shelters further along Oxford Street, and smaller and lower than the large advertisements and window displays on the adjacent H&M store, and would not be so close to those existing advertisements as to result in advertising clutter.
41. Therefore, in the context of those existing window displays and other digital advertisements, and given the highly commercial nature of the site’s immediate surroundings, the proposed digital displays would not be unduly large, tall or dominant, and would not cause harm to the amenity of the wider street scene, the character or appearance of the RSCA, or the setting of the listed building at 261-271 Regent Street.

Appeal G – Outside Debenhams, 334-348 Oxford Street

42. The appeal site is located on Oxford Street outside Debenhams, a large, multi-storey department store building which extends along Oxford Street for some distance in both directions from the site. Its ground floor has a tall, almost continuously-glazed shop front facing Oxford Street, with an internally-lit fascia sign running above it. At the time of my visit, one of Debenhams' window displays included a large video display screen showing moving images. A number of retail units on the opposite side of Oxford Street including the Vodafone and O2 stores, also had screens displaying moving graphics or images within their shop windows facing the site.
43. The site appears to be just within the boundary of the MCA, and is also close to, and visible from parts of, the nearby SPCA and HSCA. The character and significance of the parts of those conservation areas closest to the site are drawn, in part, from the large and varied retail buildings and shop window displays along the busy Oxford Street commercial frontage. It is in that context that the site would be viewed from those various conservation areas.
44. The proposed digital display screens would not display moving images and, in the context of those large shop windows to surrounding retail units, and the presence of other digital display screens within some of those windows, they would not appear discordant, despite there being no other similar digital advertisements within the footway on this part of Oxford Street at present. The proposed displays would be smaller than most of those existing displays and than the large illuminated nearby shop windows, and sufficiently separated from them as to avoid creating advertisement clutter. They would also be positioned below the level of the internally-illuminated fascia sign on the adjacent Debenhams store. As a result, they would not appear disproportionate or unduly large, tall or dominant in their immediate surroundings or the wider street scene.
45. The proposed advertisements would therefore not cause harm to the amenity of the appeal site or its surroundings, including the character or appearance of the MCA, SPCA or HSCA.

Appeal H – North Audley Street, adjacent to 453 Oxford Street

46. The appeal site is located on North Audley Street, set back slightly from the Oxford Street frontage, close to the junction of North Audley Street and North Row.
47. There are a number of listed buildings on North Audley Street, within the MCA, to the south of the site. Those include a grade II listed red brick terrace of buildings beyond North Row at Nos 24-29, a grade II listed red brick building at No 14 on the opposite side of North Audley Street and, beyond that, the grade I listed Church of St Marks. The ground floors of Nos 14 and 24-29 are occupied by commercial units, including a public house, and parts of those ground floor frontages have glazed window displays. The grade I listed former church, whilst under renovation at the time of my visit, also appeared to have been used for commercial purposes. Commercial activity is therefore part of the setting of those listed buildings, and of the character of the part of the MCA which includes them.

48. The amount of illuminated signage on North Audley Street within the MCA to the south of the site is somewhat limited. However, the appeal site is located outside the MCA, adjacent to a very large, almost fully-glazed building of more recent construction on the corner of North Audley Street and Oxford Street, which is also outside the MCA. That adjacent building has retail units on the ground floor, with tall, glazed shop windows extending along the length of its North Audley Street frontage, alongside the site, which include some illumination and allow views into the well-lit commercial unit behind them. That adjacent building is a prominent feature which forms part of the wider commercial setting of the MCA and nearby listed buildings. In views into and out of the adjacent MCA, the proposed displays would be seen against the backdrop of that adjacent modern commercial building and its very large, tall, glazed window displays. In that context, they would not appear discordant, or unduly tall, large or dominant within the street scene, and would not cause harm to those views into or out of the adjacent MCA, or to the setting of nearby listed buildings.
49. There is also an existing telephone kiosk with a digital display on the opposite side of North Audley Street facing the site, outside the Omega store which is within the MCA and which, itself, has quite large, illuminated window displays extending along the initial stretch of North Audley Street opposite the site.
50. The proposed digital displays would be smaller than that existing screen on the telephone kiosk opposite, and would not be so large or numerous as to result in advertisement clutter when viewed cumulatively with it. Therefore, and in the context of the adjacent building as described above, the proposed digital displays would not cause harm to the amenity of the site or its surroundings, including the character or appearance of the adjacent MCA, or the setting of nearby listed buildings on North Audley Street.
51. The site is also close to the boundary with the adjacent SPCA, and to the grade II listed Selfridges department store within it. However, there are a number of existing digital display panels on bus shelters on both sides of Oxford Street, within the SPCA and the MCA, and outside that large commercial building which, itself, has very large shop windows with displays which contribute to the highly commercial character of that adjacent part of Oxford Street. In that context, and given their separation from the Selfridges store, and their smaller size in comparison to those existing bus shelter displays, the digital screens proposed in this case would not appear discordant or cause harm to the setting of that nearby listed building or the character or appearance of the SPCA.

Appeal I – Marylebone Lane, adjacent to The Disney Store, 352 Oxford Street

52. The appeal site is located on Marylebone Lane, close to its junction with Oxford Street. The proposed displays would be mounted on a structure which would replace two existing telephone kiosks which are sited in a similar position, and which display some large, non-illuminated advertising panels at present.
53. The site is located between two large retail buildings, Debenhams and The Disney Store. Both of those adjacent stores have tall ground floor window displays that extend around the corners of their building frontages from Oxford Street onto Marylebone Lane, with that of The Disney Store stopping adjacent

to the site, whilst that of Debenhams continues further along Marylebone Lane. The proposed advertisements would be set back slightly from Oxford Street, beyond a freestanding retail kiosk. However, they would nonetheless be visible in views from and towards Oxford Street between those adjacent retail buildings and in the context of their large, glazed ground floor frontages, which are taller than the proposed displays, and which, in the case of the adjacent Debenhams windows, contain illumination and some advertising and retail displays at present.

54. The site is outside but close to the boundary of the MCA. The part of the MCA in the immediate vicinity of the site is characterised by the bustling commercial frontage and large glazed ground floor shop units of Oxford Street. Some of those large window displays, including a number on the opposite side of Oxford Street within the MCA, and some in the Oxford Street frontage of Debenhams adjacent to it, contain panels displaying moving images or graphics at present. In the context of that busy, dynamic commercial frontage and those existing shop windows and displays, the proposed digital displays, with static images, would not appear discordant or unduly dominant. They would therefore not cause harm to the amenity of the appeal site or its surroundings, including the character or appearance of the adjacent MCA.

Conclusion on the main issue

55. For the reasons given, in the case of all of the appeals A to I inclusive, I conclude that the proposed advertisements would not cause harm to the amenity of the appeal site or its surroundings, to the character or appearance of any conservation areas or to the setting of any listed buildings. The proposals would therefore not conflict with the Framework. Nor would they conflict with Policies S25 or S28 of the Westminster City Plan, Policies DES1, DES8, DES9, DES10 and paragraphs 10.108 and 10.128 of the City of Westminster Unitary Development Plan, the City of Westminster Advertisement Design Guidelines, or the Westminster Way – Public Realm Strategy: Design Principles and Practice Supplementary Planning Document (the SPD). Amongst other things, those policies and guidance documents require that signs and advertisements are well-designed and sensitively located within the street scene, and seek to conserve heritage assets, including the character and appearance of conservation areas and the setting of listed buildings. Policy DES8 and the SPD refer to consent not normally being granted for advertisements on street furniture, especially in conservation areas or adjacent to listed buildings. However, for the reasons set out above, I have found no harm to amenity or to such heritage assets, and therefore no conflict with the aims of that policy and guidance, in these appeals.

Conditions

56. In addition to the five standard conditions set out in the Regulations, the Council and the appellant have suggested a number of additional conditions. I have reviewed those in accordance with the tests in the Framework.
57. Given their proximity to Oxford Street and other busy side streets, the display of moving images on the screens could distract motorists, to the detriment of highway safety. I therefore attach conditions preventing the display of moving images, restricting the frequency and duration of changes between static

images, and requiring the displays to default to a blank screen in the event of a malfunction or error.

58. In each case, a condition restricting the level of illumination at night is necessary in the interests of amenity.

Conclusions

59. Therefore, for the reasons given and having regard to all other matters raised, I conclude that all of the appeals should be allowed.

Jillian Rann

INSPECTOR