



Appeal Decisions

Site visit made on 14 October 2019

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 5th December 2019

Appeal Ref: APP/X5990/Z/19/3231975

3 Cranbourn Street, London WC2H 7AL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Vue Cinemas against the decision of City of Westminster Council.
 - The application Ref: 19/03121/ADV, dated 24 April 2019, was refused by notice dated 1 May 2019.
 - The advertisement proposed is display of moving images on an existing media screen measuring 12.3m x 5.2m.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description in the banner heading above is taken from the appeal form and decision notice as it is more precise than that shown on the planning application form.

Main Issue

3. The main issue is the effect of the proposed advertisement on the amenity of the appeal site and its surroundings.

Reasons

4. The appeal building is located within Leicester Square Conservation Area (CA). Leicester Square is a key public square in London with a high heritage value. As well as being a vibrant commercial area which is recognised for its cinemas, the Square is further characterised by entertainment uses. The building's immediate surroundings within the CA are defined by the architecturally ornate frontages of the older buildings which line much of the north-western side of Cranbourn Street and Leicester Square, the public realm including the central public garden, the grand old theatre buildings and the surrounding entertainment uses.
5. The appeal building is a substantial building, with an Art Deco style facade, which is in use as a cinema. To one side of the building is a multi-storeyed building with an ornate front elevation, and to the other side is a smaller, building, leading onto two other multi-storeyed buildings with ornate front facades.

6. The media screen is located in an elevated position, between around 4m and 9.2m above ground level, on the front of the host building, approximately at the node of Bear Street, Cranbourn Street and Leicester Square. The screen's width of approximately 12.3m extends across more than half the width of the building. As such, the screen is a substantial size. It is clearly noticeable, viewed approaching along Cranbourn Street - from both Leicester Square and Leicester Square tube station - and the north-western end of Bear Street. Moreover, the high footfall in and around the iconic Square means that the screen is visible to a large number of receptors. The above factors, together, give the screen prominence within the CA.
7. Supporting text paragraph 10.95 for Policy DES8 of the City of Westminster's Unitary Development Plan (2007) (UDP) sets out that high level signs, and moving digital displays and message boards may be acceptable on cinemas. In respect of specific proposals, the Policy requires that advertisements should relate to the character, scale and architectural features of the host building.
8. The City of Westminster Advertisement Design Guidelines (1992) (ADG) state the following in paragraph 13.2: in Leicester Square, large scale advertisements should be restricted to established cinema frontages, and high level moving advertisements, for example cinematic screens, will not normally be allowed; and the general design principles of Section 3 of the ADG will be applied. The ADG adds that, for cinemas individual proposals will be considered in terms of their design merits, relationship to the building, and contribution to the day and night time character and appearance of the street and area (paragraph 12.1). The guidance in paragraphs 3.1, 3.2 and 3.5 of Section 3 of the ADG together seeks to ensure the following: advertisements preserve or enhance the character or appearance of the conservation area; advertisements suit the scale, proportions, period, architectural detailing and use of the host building; and the design of illuminated signs in conservation areas relates well to the buildings on which they are to be fixed.
9. The Square is a busy, vibrant tourist destination, and advertising is a part of the streetscene. Nevertheless, the majority of advertising images on display in the Square are static. Moreover, the front building elevations on the approach to the appeal site along Cranbourn Street and Leicester Square, amongst which the appeal building is located, are characterised by lack of large scale, exterior moving screens. As a result, the predominantly visible, architectural front facades of the older buildings are a distinctive characteristic of Leicester Square.
10. The proposal would entail a change from static images on the screen - with a maximum speed of change of 12 seconds between them - to moving images, operating through a 120 second loop, with 10 second content changes. Due to the screen's elevated position at the front of the building and the kinetic nature of its display, the proposed moving images would be a prominent addition to the building and the streetscene.
11. Within the above context, the scale and prominence of the moving images on the screen would be discordant with the prevailing streetscene, and distract from the architecture of both the host building and those in its vicinity.
12. My attention is drawn to a number of advertisements and signs on other buildings in the CA. However, the other sites differ from the proposal before me in that they do not entail moving advertising images of equivalent large scale

- and prominence on the outside of the front facades of buildings. As such they are not directly comparable, and carry limited weight.
13. I acknowledge that the appeal proposal would not alter the position, dimensions or luminosity of the media screen. However, the proposed change to moving images - in combination with the size, prominence and luminosity of the screen - would result in the identified harm, for the reasons described above.
 14. Taking the above together, I conclude that the proposed advertisement would have an unacceptably harmful effect on the visual amenity of the building and the area. Moreover, it would fail to preserve or enhance the character or appearance of the CA.
 15. I have taken into account Policy DES8 of the UDP and Policy S25 of the Westminster City Plan (2016) (CP). Policy DES8 requires advertisements to be sensitively located within the streetscene, and relate to the character, scale and architectural features of the buildings on which they are fixed. Policy S25 requires Westminster's conservation areas and historic squares to be conserved. As described above, I have also taken into account the guidance in paragraph 13.2 of the ADG, which supports application of the general design principles in Section 3 of the ADG. As such, the policies and guidance seek to protect visual amenity, and so are material in this case. Given my finding that the proposal would harm amenity, the proposal conflicts with these policies and guidance.
 16. As Policy S28 of the CP does not specifically address advertisement proposals, it is not engaged in this case.
 17. Furthermore, in my consideration of the proposal's effect on amenity, I have had regard to the statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the CA.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

William Cooper

INSPECTOR