
Appeal Decision

Site visit made on 17 December 2019

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16th January 2020

Appeal Ref: APP/X5990/Z/19/3235362

Tottenham Court Road Corner, Oxford Street, London, WC2H 0EH

- 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 Ocean Outdoor UK against the decision of City of Westminster Council.
 - The application Ref 19/03651/ADV, dated 30 April 2019, was refused by notice dated 2 July 2019.
 - The advertisement proposed is installation of 1 LED digital display above Tottenham Court Road Underground Station Entrance.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Grade II* listed 6 Oxford Street and the Grade II listed Centre Point both lie adjacent to the appeal site. The appeal site also lies within the Soho Conservation Area and adjacent to the Hanway Street Conservation Area.

Main Issues

3. Accordingly, the main issues for the appeal are:
 - The effects of the proposal on visual amenity, in particular, whether the special interest of nearby heritage assets would be preserved;
 - The effects of the proposal on highway safety.

Reasons

The effect on heritage assets

4. S16(2) and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. S72(1) of the Act requires special attention to be had to the desirability of preserving or enhancing the character and appearance of that area. Together policies S25 and S28 of Westminster's City Plan and DES 8, DES9 and DES 10 of the City of Westminster Unitary Development Plan seek to sustain and enhance the significance of designated heritage assets through the development process and this reflects the *National Planning Policy Framework* (the Framework) and the requirements of the Act.

5. Centre Point is a grade II listed building which lies a short distance to the east of the appeal site and is an iconic building on the London skyline. It is a symbol of 1960's London and an important architectural example from the period. In this regard its history and method of construction contribute to its significance as much as its appearance, or the contribution it makes at street level.
6. No 6 Oxford Street is a grade II* Victorian Public House located opposite the appeal site. Although part of its significance lies in its decorative and well preserved interior, the ornate frontage of the narrow building provides a good example of the Flemish Renaissance style, which contributes to the varied character of St Giles Circus. Its significance also lies in its status as an example of a purpose built building of its type. The building forms part of the Hanway Street Conservation Area, which extends over a small area to the north of Oxford Street. It includes properties either side of the listed No 6, including the corner property, fronting Tottenham Court Road, which is similar, although simpler, in style, and appears to have been constructed at the same time. The buildings provide an attractive group, and their appearance, as Victorian buildings, makes an important contribution to the historic character of this part of the Conservation Area. The appeal site also lies on the edge of the Soho Conservation Area. This covers a relatively large area which extends to the south west of the site, towards Chinatown and Piccadilly Circus, and is varied in character.
7. The appeal site comprises the erection of an LED digital display on the front elevation of the recently reconstructed Tottenham Court Road Underground Station. The scheme would comprise a large illuminated LED Screen, measuring 3.75m by 7.5m, which although capable of displaying moving images, could be restricted to static interchanging images. Whilst it would be possible for the screen to display directional information relating to the station, and the wider transport network, it would also be used to display commercial advertising.
8. The building comprises a sleek angled frontage to St Giles Circus which is predominantly glazed above street level. The section above the entrance, which is proposed for display of the proposed sign, is clear glass. An approved scheme for a large eight storey building is under construction, and will sit around the station and form a backdrop to the existing building. The surrounding area is a busy commercial area and I am advised that plans for a "Shibuya" style crossing at the intersection will be put in place in the near future.
9. The surrounding area has some examples of high level illuminated signage, notably the sign on the Dominion Theatre. However, the limited examples that are visible in the wider streetscene around the site clearly relate to the premises they are erected on. The proposed display would be visible in long ranging views along New Oxford Street, as well as in the immediate vicinity. In these views, due to its size and illumination it would appear as an entity in its own right and would be different in character and much more prominent than the smaller, functionally related signage which is in evidence around the appeal site. As a result it would form an incongruous feature in views in the immediate vicinity of the site, and in longer range views along New Oxford Street the sign would be notable as a visually intrusive and overly prominent element, particularly at night.

10. Notwithstanding the changing context of the site, the experience of the site and its surroundings from street level will not, to my mind, be so fundamentally altered as to justify the further visual intrusion the sign would cause. Whilst I note that the window could be used for commercial advertising for businesses within the station, and has been used to display commercial signage, I am not satisfied that the visual impact of these uses would be more intrusive than the proposal.
11. Furthermore, during my site visit I saw that the glazed frontage of the station reflected views of the ornate upper storeys of the buildings around the junction. Therefore, whilst the station itself has a simple, unassuming appearance, it nonetheless contributed to the eclectic character of this part of Oxford Street. In addition, for passengers arriving at street level from the Underground, the glazing provides an open window in which to view the upper sections of the streetscape, including the listed 6 Oxford Street. I am not aware if this view was planned or is fortuitous, but it nonetheless allows a view of the conservation area and the listed building which is less apparent from street level. The proposal would interrupt the existing glazed frontage, and with it the wide reflected views of the surrounding streetscape that the building currently provides. It would also obscure existing views of heritage assets from the station.
12. Therefore, whilst I accept that the proposal would cause minimal harm to the attributes which contribute to the significance of the grade II listed Centre Point, it would be an unwelcome intrusion in the shared views of the grade II* No 6 Oxford Street, in views from the east, and would obscure views of the asset from the Station. The signage would also intrude in shared views of the Hanway Conservation Area from the east, eroding its historic character, and so would also lead to harm in that regard.
13. As the proposal lies within the Soho Conservation Area it would also cause harm to the character of that part of the conservation area. The area is not homogeneous in character, with high level signage at other locations, such as Piccadilly Circus. However, this is not in itself justification for a proliferation of similar signage throughout the conservation area or the visual intrusion which would result.
14. The harm identified to these heritage assets would amount to less than substantial harm, which the Framework advises should be weighed against the public benefits of the scheme. The advertising could signpost the location of the station but I have no evidence that display of the "Roundel" could not be more visibly displayed through means other than the sign proposed and I therefore attribute this matter only very limited weight as a public benefit. The revenue from the signage would also allow for investment in the public transport network and I attribute this benefit some moderate weight.
15. Nevertheless, the Framework is clear that heritage assets are an irreplaceable resource and that in considering the impact of development on the significance of heritage assets, great weight should be given to the asset's conservation. I therefore attribute greater weight to the harm which would arise to the significance of No 6 Oxford Street, the Hanway Conservation Area and the Soho Conservation Area as a result of this proposal and accordingly the benefits identified would be insufficient to outweigh this harm. It follows that

the proposal fails to comply with national policy outlined in the Framework and with local policy outlined above.

The effect on highway safety

16. The Highway's Authority have expressed concerns that moving images on the screen would have the potential to distract drivers and that this would be detrimental to highway safety. I noted on site the very high levels of vehicular and pedestrian traffic at the Oxford Street/Tottenham Court Road/ Charing Cross Road Junction. The screen would also be visible in long range views along the approach from New Oxford Street and so would be a notable feature over a wider area than the immediate vicinity of the site. In these views a moving image would have the potential to distract both drivers and pedestrians and would, to my mind, present a potential hazard to road safety.
17. However, I note that the highways officer is satisfied that an illuminated sign would be acceptable provided it did not present moving images, audio or intermittent illumination. As this could be secured by planning conditions, I am satisfied that if such conditions were imposed and complied with, the proposal would not pose a danger to highway safety. I therefore find no conflict with policy TRANS2 of the UDP which seeks to new development is designed to reduce the number and severity of road accidents.

Conclusion

18. Although the proposal would not pose a danger to highway safety, it would harm the significance of 6 Oxford Street and the Hanway and Soho Conservation Areas. Therefore, having regard to all other matters raised, and for the reasons above, I conclude that the appeal be dismissed.

Anne Jordan

INSPECTOR