



Appeal Decision

Site visit made on 15th November 2023

by Megan Thomas K.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 06.12.2023

Appeal Ref: APP/X5990/Z/23/3326160

17-19 Leicester Square, London WC2H 7LE

- 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 Soho Estates Ltd & Mr Nick Lawson against the decision of Westminster City Council.
 - The application Ref.23/03281/ADV, dated 16 May 2023, was refused by notice dated 5 June 2023.
 - The advertisement proposed is a digital advertising screen measuring 20 x 10 metres for the display of static poster images.
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Decision

1. The appeal is dismissed.

Main Issue

2. The appeal site is situated within the Leicester Square Conservation Area 'CA'. The main issue in the appeal is the effect of the proposal on amenity with particular regard to the character and appearance of the CA.

Reasons

3. The 2007 Regulations require that decisions be made only in the interests of amenity and, where applicable, public safety. The development plan policies referred to by the Council are not determinative, but I have taken these into account as a material consideration.
4. The proposed development would consist of a curved illuminated digital advertising screen for the display of advertising and public information. The images would change no more frequently than at 10 second intervals by a dissolving of one image into the next.
5. The proposed location of the screen is currently the curved upper floors of offices above the ground and first floor of a fast food restaurant. The offices are almost wholly glazed where they provide views out to Leicester Square. The site is positioned on the corner of the Square and Cranbourn Street and Bear Street and faces north north east. The area is pedestrianised.
6. The proposed screen would be immediately flanked by two existing large rectangular advertising screens which would be longer in vertical length than the proposal (each about 13m high) but substantially narrower at about

3140mm and 3640mm. Each screen can display static poster images and have integrated LED illumination.

7. The area is well-known for its links to cinema and theatre. It is a highly commercial location that is characterised by various entertainment, leisure and retail venues, as well as a significant number of illuminated and non-illuminated advertisements. The Odeon cinema is located to the south of the appeal site and forms part of Leicester Square and has a tower feature with some high level signage on it. There is a digital screen of substantial height and size at this cinema, as well as two large digital screens at first floor level that display changing static images. Two of the buildings in between the appeal building and the cinema have high level signs between the first and second floor windows. At the time of my site visit, buildings opposite the appeal site on the northern edge of the Square were covered in scaffolding and the facades obscured but photographs taken before the site visit show a Vue cinema with a very large rectangular digital screen and high level signage.
8. In accordance with the statutory duty set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA. In my view the significance of the CA is found in the balance between the area's numerous restaurant and entertainment venues with prominent advertising including digital advertising, its garden of mature trees and public art, its vibrant character and its large perimeter buildings mostly dating from the 1930s onwards.
9. Paragraph 136 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed. In this case, the proposal would be a significant size at about 20m wide and about 10 m tall and set at an elevated level. Its colour, illumination and sheer size would dominate the façade of the host building and dominate the streetscene. Whilst its impact would be mitigated by its curved design and the likely inability to view it in its entirety from the public realm it would nevertheless be overwhelmingly distracting and overbearing. This would be the case even if the levels of illumination and the speed and frequency of image transitions on the display screen were carefully controlled.
10. When the two existing vertical side displays are also taken into account (which could display a continuation of the advertisement on the appeal proposal) then the impact would be more detrimental and harmful. The width of the display, whilst curved, would effectively be in the region of 26m and would be illuminated.
11. In addition, there is some architectural merit in the curved glazed feature of the host building. The contribution it makes to the townscape would be lost when mostly obscured by the proposal.
12. The dominance of the proposal would disrupt the balance between the buildings in the CA, the area's acknowledged association with entertainment and vibrancy, and its vegetated open space and garden central to the Square. The significance of the CA would be reduced.
13. I conclude that it would harm the character and appearance of the CA and the visual amenity of the townscape. In terms of paragraph 202 of the NPPF, the harm would be 'less than substantial' but nevertheless such harm must be

recognised as important. Harm has to be balanced against any public benefits.

14. In respect of potential public benefits, I am not convinced that it would boost tourism or business or increase the profile of 'Theatreland' as an entity. If it was to do so, it would be slight. The display screen could be deployed to display public information at times when that is necessary, however, that can only be viewed as a very modest benefit. When considering the potential public benefits cumulatively they do not outweigh the harm I have identified.
15. Consequently, I conclude that the proposal would harm the character and appearance of the CA and would harm townscape amenity. In making my decision, I have taken into account adopted policies which seek to protect amenity and so are material in this case. They are policies 38, 39, 40 and 43 of Westminster's City Plan 2019-2040 (adopted April 2021). The proposal conflicts with these policies.

Conclusion

16. Having taken into account all representations made, for the reasons given above, I dismiss the appeal.

Megan Thomas K.C.

INSPECTOR