



Appeal Decision

Site visit made on 13 December 2023

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal Ref: APP/X5990/Z/23/3328259

Pavement outside 93-97 Queensway, City of Westminster, London W2 4QG

- 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 JC Decaux UK Limited against the decision of the City of Westminster Council.
 - The application Ref 23/03753/ADV, dated 5 June 2023, was refused by notice dated 14 July 2023.
 - The advertisement proposed is a display of an internally illuminated double sided advertisement panel consisting of two LED digital screens each measuring 237cm X 134cm forming part of existing bus shelter.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As the description of the proposed advertisement varies in documents submitted for the purposes of this appeal, I have used the description from the Council's decision notice, as this is clear and accurate.
3. Subsequent to the decision made by the Council on the application to which this appeal relates, the National Planning Policy Framework has been revised. I have therefore made my decision with regard to the National Planning Framework (December 2023) (the Framework).

Main Issue

4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) sets out that powers under those Regulations shall be exercised only in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.
5. From my reading of the material submitted for the purposes of this appeal the main issue is the effect of the proposal on the visual amenity of the area, with reference to the Queensway Conservation Area (the CA).

Reasons

6. The appeal site comprises a bus shelter located on an area of footway outside 93-97 Queensway, a modern residential building with a commercial unit and

public house to the ground floor. On my weekday morning visit the area appeared to be a thriving local retail frontage associated with the underground station. The appeal site falls within the CA, the significance of which as a heritage asset has been recognised by the Council through its designation. In line with the duty imposed on me by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

7. The appeal relates to the proposal for a double sided LED display screen that would be positioned on one side of the existing bus shelter. Along with the shelter, there are several items of street furniture near the appeal site, including a traditional red phone box and post box. These are the main features of the local streetscene, which is generally restrained and uncluttered. The advertising and fascia signage on nearby retail units is generally visually restrained and unobtrusive.
8. The proposed double sided adverting screen would be located prominently and would be highly visible to both pedestrians and vehicular traffic. Whilst these types of advertisements are becoming more common in streetscapes in the UK, there does not appear to be any similar LCD advertising screens visible in the immediate local area of the bus shelter.
9. The appellant has brought consents for other similar illuminated advertising screens in the wider local area, including within the CA, to my attention. However, from my site visit it was clear that these do not form part of the immediate local visual context of the proposal and would have been considered on their own individual merits. I have, therefore, only afforded these moderate weight in my considerations.
10. The proposed LCD advertising screens would present illuminated static advertisements that the appellant indicates would change virtually instantly every 10 seconds. It is further proposed that the illuminance of these screens would reduce in conditions of lower ambient light levels and at night, ensuring that the luminance remains within accepted guidelines.
11. However, notwithstanding this ability to control the level of illumination and change of advertisements, the advertising and fascia signage on nearby retail units is generally visually restrained and mostly unobtrusive. While there are numerous other advertisements in the area, these are smaller in scale and/or not illuminated. They are also generally related to the use of the premises on which they are sited.
12. Within this context the size and positioning of the proposed double sided advertising screen would result in it appearing as unduly prominent and incongruous. This impact would be compounded by the intermittent changing of the illuminated display that would significantly draw the eye, further accentuating their visual prominence and would be visually dominating in the context of the local street scene. The proposal would, therefore, stand in stark contrast to the existing established character and appearance of the local area and would fail to maintain the significance of the CA.
13. For the reasons given above, I find that the proposed development would be significantly harmful to the appearance of the local area and would fail to preserve or enhance the character and appearance of the CA. In the context of

paragraph 208 of the National Planning Policy Framework (2023) (the Framework), the harm I have identified to the significance of the CA would be less than substantial.

14. This would be contrary to Policies 38, 39 and 43(G) of the City Plan (2021), policy D8 and HC1 of the London Plan (2021) and paragraph 141 and Section 16 of the Framework which collectively seek to ensure the quality and character of places, including public realm, and that advertisements have regard to the local context and character of an area and its visual amenity, preserving or enhancing the appearance or character of conservation areas.
15. The appellant has drawn to my attention the potential benefits of the proposal including emergency and transport messaging, reduced paper waste and energy saving compared to older illuminated advertisement methodologies. The potential social benefits indicated for emergency and transport messages are possible but not, however, definite. The environmental benefits are also only potential benefits rather than definite, as there is currently no advertisement associated with the bus shelter location. As these benefits are, at best, marginal and limited, I have only afforded them limited weight in my considerations.

Planning Balance and Conclusion

16. Whilst the proposal has limited public benefits, as set out above, I find that these do not outweigh the significant harm to the visual amenity of the area, and the less than substantial harm to the character and appearance of the CA that I have identified. Accordingly, I conclude that the appeal should be dismissed.

Victor Callister

INSPECTOR