The Planning Inspectorate

Appeal Decision

Site visit made on 12 April 2024

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

an Inspector appointed by the Secretary of State

Decision date: 14th May 2024

Appeal Ref: APP/X5990/Z/24/3336538
44-46 First floor to Third Floor, Cranbourn Street, City of Westminster, London WC2H 7AN

- 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 against the decision of the City of Westminster Council.
- The application Ref 23/07937/ADV, dated 15 November 2023, was refused by notice dated 4 January 2024.
- The advertisement proposed is the display of an LED digital advertising screen measuring 9.8m x 3.2m.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the description of the proposal varies between submitted documents, I have used the description from the Council's decision notice, as this is a concise and accurate description.

Main Issue

3. 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.

4. From my reading of the material submitted for the purposes of this appeal the main issue is the effect of the proposal on the appearance of the appeal building and the character and appearance of the local area, with reference to the Leicester Square Conservation Area (the CA).

Reasons

5. The appeal site is a stucco building with of 4 storeys and mansard above, with a single storey side element, this fronts onto a pedestrianised part of the street that leads into Leicester Square. Above ground level the building retains its original decorative features and traditional detailing. The heavily altered ground floor of the building and side element form part of a retail

frontage within the CA. The significance of the CA rests in its development from original housing to its importance as a place of entertainment and one of the most well-known townscapes in London, which, as well as the landmark larger entertainment venues, retains earlier buildings in the square and neighbouring streets.

6. 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 CA.

7. The proposed advertisement is an LED digital advertising screen measuring approximately 9.8 metres x 3.2 metres that would sit above the parapet of the single storey side element of the appeal building. This would infill the existing space at first and to third floor levels, between the 4 storey façade of the main building and the facade of a permitted neighbouring building at 1-4 Bear Court, which appears to be currently under construction.

8. The proposed LED advertisement screen would display static poster type digital advertisements, which the appellant indicates would change instantaneously no less than every 10 seconds. There are existing large digital advertisement screens evident in the local area, particularly within Leicester Square. Two of the nearest high level advertisements to the appeal site at 17-19 Leicester Square (No.17-19) were permitted on appeal[1] and would be viewed in conjunction with the proposal in street views, particularly the screen adjacent to the street at Bear Court.

9. The appellant has set out that they regard the allowed appeal for the advertisements at No.17-19 is an exemplar for the proposal. However, it is evident from the reasoning set out in paragraphs 13 to 16 of the appeal decision that the Inspector found that No.17-19 was a large scale building, that the advertisements would be positioned without detriment to its architectural expression and would relate to the existing large scale advertisements on other buildings within Leicester Square and their commercial use.

10. In this case the appeal building does not front or immediately visually relate to Leicester Square, rather, it is located on an approach to the square and fronts Cranbourn Street and relates more specifically to the smaller scale buildings in the street and the wider streetscape beyond the square. This part of the street does not have the high level advertisements recognised by Section 13 of the City of Westminster Advertisements Design Guidelines Supplementary Planning Document (2004) (the SPD), which sets out that large scale advertisements on buildings where they are considered suitable and relate to the cinema frontages in Leicester Square, would be accepted.

11. Further, Section 7 of the City of Westminster Advertisement Design Guidelines Supplementary Planning Document (2004) (the SPD) sets out that the Council are unlikely to give consent for structures for the display of advertisements unrelated to the business being carried out in the building, and that is the case here. Section 10 of the SPD also sets out that permanent hoardings or structures fixed to buildings to display advertisements will rarely be permitted, particularly in conservation areas, and that is the case here.

[1] Appeal Ref: APP/X5990/Z/21/3282311

12. The appellant has set out their view that the single storey side element of the appeal building results in a visual gap and weakness in the street frontage, which will persist after the construction of 1-4 Bear Court. However, I find that, whilst the proposed LED screen would infill this gap between first and third floor levels, it would, due to its size, box like form and illumination appear as a discordant addition, which would not relate to the architectural form of the appeal building or the neighbouring building under construction.

13. As such, the proposed LCD advertisement screen would stand in stark contrast to the taller element of the appeal building and its retained architectural features. This would result in an incongruous appearance that would be more harmful to the character and appearance of the appeal building and the street frontage than the existing gap in the street frontage. Consequently, the proposed LCD advertisement screen does not reflect the significance of the CA, to which the streetscape contributes.

14. For these reasons, I find that the proposed LCD advertisement screen would result in significant harm to the character and appearance of the appeal building and the streetscape of the local area, and would fail to preserve or enhance the character and appearance of the CA. This would not accord with guidance for advertisements set out in the SPD and would be contrary to Policies 38,39 and 43(g) of the City Plan 2019-2040 (2021), Policies D8 and HC1 of the London Plan (2021) and Paragraph 141 and Section 16 of the National Planning Policy Framework (2023). These collectively seek to ensure the quality and character of buildings and places 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.

Planning Balance and Conclusion

15. The proposed LCD advertisement screen would result in the commercial and customer benefits of promoting businesses, which the appellant indicates would potentially be entertainment providers in the Council area. Whilst the appellant has made reference to the benefits of the proposal in relation to the entertainment industries recovery post COVID restrictions, the appellant has not directly quantified the benefits of the proposal in this regard. The appellant has also suggested that the proposed LCD advertising screen could be used to provide unspecified public service announcements. However, set against the substantial harm to the character and appearance of the appeal building and that of the local area and their visual amenity and the less than substantial harm to the character and appearance of the CA that I have identified above, I do not find that the limited direct public benefits of the proposal outweigh this harm. Dismissing the appeal is a proportionate response in this instance.

Victor Callister

INSPECTOR