



Appeal Decisions

Site visit made on 12 February 2024 by M Long BA(Hons) MSc MRTPI

Decisions by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2024

Appeal A – Ref: APP/X5990/Z/23/3331747

10-14 The Hippodrome, Cranbourn Street, City of Westminster, London WC2H 7JH

- 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 Blow Up Media UK Ltd against the decision of the City of Westminster Council.
 - The application Ref is 23/06242/ADV.
 - The advertisement proposed is described as 'Display of a non-illuminated decorative shroud measuring 77.5 x 19.7 metres containing two areas of commercial advertisements each measuring 8 x 7.4 metres for a temporary period from 25 September 2023 to 1 June 2024. (reduced scheme following refusal ref 23/05087/ADV)'.
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Appeal B – Ref: APP/X5990/Z/23/3328467

10-14 The Hippodrome, Cranbourn Street, City of Westminster, London WC2H 7JH

- 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 Blow Up Media UK Ltd against the decision of the City of Westminster Council.
 - The application Ref is 23/05087/ADV.
 - The advertisement proposed is described as a 'Hoarding Shroud with a printed architectural image. Advertisement zones of 13.7m x 7.6m would be located on the southern and eastern elevation identified by red dashed lines in the accompanying design information'.
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Decisions

1. Appeals A and B are dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The Government published on 20 December 2023 a revised version of the National Planning Policy Framework (Framework). Whilst I have had regard to the revised national policy as a relevant factor, in this instance, the issues most relevant to these advertisement appeals remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

4. There are two appeals for shrouds with commercial advertisement insets at the site. Appeal A proposes two advertisement areas which each measure 8 x 7.4 metres and Appeal B proposes two advertisement areas which each measure 13.7 x 7.6 metres. Each proposal has been considered on its individual merits. However, to avoid duplication, they have been dealt with in a single decision letter.

Main Issue

5. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set 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.
6. For both appeals, the Council has concluded that the advertisement would be acceptable in terms of public safety and, from the evidence before me, I have no reason to disagree. Therefore, for both appeals, the main issue is the effect of the proposed advertisement on the amenity of the area.

Reasons for the Recommendations

7. The site is an attractive Grade II listed building with ornate façades and a canted corner which provides a prominent focal point within the enclosed views of the busy junction between Cranbourn Street and Charing Cross Road. During my visit, I observed that a plain shroud had been erected at the site, obscuring the building from public view.
8. The site is within the Leicester Square Conservation Area (CA), where special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area. The junction also lies within the Covent Garden CA and is a busy area used by people moving between the two CAs or entering them via the underground station.
9. The Leicester Square CA is characterised by grand historic buildings as well as contemporary entertainment and tourist attractions. While Leicester Square itself is a highly commercialised area which contains many high-level advertisements, the appeal site sits outside of the Square. The character of advertising within the area around the junction is generally smaller-scale and low-level signage associated with ground-floor level businesses.

Appeal A

10. While the advertisement insets would cover a small proportion of the total shroud wrap, each inset would still be of significant size and height, which would be out of keeping with the prevailing character of advertising in this area. Even with a short set back from the canted corner, the insets would be seen concurrently from the junction. When seen together, their size and elevated position, on such a prominent corner, would be overwhelmingly dominant in views towards and from the junction. The enclosed nature of the junction area, where wider views are restricted by large buildings, would further exacerbate their visual impact and result in harm to amenity.
11. The large scale of the insets would draw the eye and attract a disproportionate amount of attention, which would hinder the appreciation of the surrounding historic environment. As the site is on such a prominent corner within the

- junction, which itself has a very high footfall, the advertisement insets would be harmful both to this part of the Leicester Square CA and within views into and out of the adjacent part of the Covent Garden CA.
12. Towards Leicester Square there are some large and high-level advertisements, such as the screen at the Vue Cinema, which form part of this lively urban centre. Despite their proximity to the site, they are viewed within the highly commercialised context of Leicester Square, which is different to the character of the junction adjacent the appeal site. Due to the surrounding tall buildings and road angles, the appeal scheme would be largely seen within the enclosed junction area. It would be seen in conjunction with the Vue advertisement in limited views, where the proximity of the inset to the existing large display would create a dominant feature. In this context the advertisement insets would be a marked change in the character of advertising in the vicinity of the appeal site. They would not preserve the character and appearance of the area, and so would be out of keeping within the townscape. Consequently, they would result in moderate harm to amenity.
 13. The temporary nature and appearance of the proposal would reduce the resulting harm to amenity, but the harm would nevertheless endure for the duration of the display of the advertisement insets. Even if the external lighting were omitted from the scheme, this would not reduce the harm that would arise during daylight hours. Consequently, these measures would not sufficiently to satisfactorily mitigate the identified harm.
 14. Although some of the appellant's documents refer to a different shroud design, the submitted drawings show a simple 1:1 image of the existing building is proposed. This design would offer modest amenity benefits through screening traditional scaffolding materials and providing greater visual interest than the existing plain shroud. It would also enable the continued appreciation of the listed building's façades. Nevertheless, for the reasons above, the moderate amenity harm would not be outweighed by the modest benefits of the proposed 1:1 image.
 15. During my visit, I observed that the existing plain shroud was in fair condition and appeared as an expected temporary feature within a busy urban centre. While ordinary in appearance, the plain shroud has a less harmful effect on visual amenity than the proposal would have when viewed as a whole.

Appeal B

16. The advertisement insets proposed in this appeal would be significantly larger than in Appeal A and would be positioned closer to the canted corner. Therefore, the insets would attract greater attention and be seen from a wider range of viewpoints on the approach to the junction. Even within this lively urban centre, their very large scale would dominate views of the junction area and would appear incongruous within the wider Cranbourn Street and Charing Cross Road streetscenes.
17. Consequently, the proposed insets would not preserve the prevailing character of advertising within the junction area and would result in harm to this part of the Leicester Square CA. Both insets would also be seen concurrently from the Covent Garden CA; their excessive scale and elevated position at this prominent corner would appear harmful in views taken into and out of this part of the CA.

18. The temporary nature and appearance of the scheme would reduce the amenity impact of the proposal, but would not sufficiently mitigate the harm that would arise from the very dominant scale of the advertisement insets while they were on display. Moreover, the omission of lighting would not reduce the harm that would arise during the day. Consequently, even with these measures and the proposal would still result in substantial harm to amenity.
19. The shroud wrap would depict the historic evolution of the listed building through incorporating a series of sketches based on blueprint images of the façades. This imaginative design would offer moderate visual amenity benefits by revealing part of the significance of the listed building behind and assisting in understanding the development of the building over time. Nevertheless, the substantial harm that would arise from the very large scale of the advertisement insets would outweigh these benefits.
20. Although the existing plain shroud would not allow for the design and historic evolution of the listed building to be appreciated, it is less harmful to amenity when compared to the effect of the appeal scheme, when viewed as a whole.
21. The appellant has highlighted a variety of consented advertisements; however, the full details of these schemes are not before me. Nevertheless, it appears that many of these schemes are located a significant distance from the site and so are considered in a different context.
22. While reference has been made to consented advertisements in the Leicester Square area, these relate to digital screens of a smaller size than the proposed insets. A description relating to a consented scaffolding shroud advertisement at with commercial advertising fronting Leicester Square has been included (LPA Ref: 15/11355/ADV). However, this scheme was consented several years ago, and the described commercial advertising areas are significantly smaller than what has been proposed in this appeal. In any event, each appeal must be considered on its individual merits. These other advertisements do not therefore justify the harm that would arise from this scheme.

Alternatives for Appeal A and Appeal B

23. For both Appeals A and B, the appellant has asked for consideration to be given to whether a scheme in which only one inset receives consent would be acceptable. For both appeals, there is no indication of a preferred inset and so I have considered the effect of each of the proposed insets, if viewed individually.
24. Regarding Appeal A, in either instance, each inset would have a large scale and elevated position that would be out of keeping with the predominant character of advertising at the junction. While the visual impact of a single inset within views of the junction would be less than that of both insets, there would still be moderate harm within the respective streetscene, whichever inset remained. This harm would not be sufficiently mitigated by the temporary nature or appearance of the scheme, nor would it be outweighed by the modest benefits of the 1:1 shroud image.
25. Regarding Appeal B, the visual impact of a single inset on the junction would be less than the impact of both. However, even when viewed individually, the very large scale of either inset would overwhelm views of the junction,

particularly given their elevated height on a prominent corner. Either of the insets would be highly visible from both CAs, where its excessive scale would still result in considerable harm to amenity that would not be sufficiently mitigated by its temporary nature or appearance. While the more imaginative shroud design of this appeal would carry moderate amenity benefits, these would not outweigh the harm that would arise from either one of these insets.

Conclusions on the main issue: Appeals A and B

26. Overall, both appeal schemes would harm the amenity of the area. There would still be harm to amenity even if only one of the two insets was displayed in each case. For both appeals I have taken into account Policies 38, 39 and 43(G) of the City Plan 2019-2040, adopted April 2021, which seek to protect the townscape and amenity, and so are material in this case. As I have found harm to amenity, neither of the appeal schemes would benefit from the support of these Policies. There would also be conflict with the Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Other Matters

27. Regarding both Appeal A and Appeal B, the appellant has stated the insets are necessary to fund the decorative shroud, however I have no substantive evidence of this. Furthermore, it has also been indicated that a decision whereby only one inset area is consented would be acceptable to the appellant. Therefore, it has not been demonstrated that two insets of the size proposed are required to generate sufficient funding to achieve the benefits of the decorative shroud. Consequently, this does not justify the harm identified above.

28. For Appeal B, it has been stated that the shroud would be sprayed with a photocatalyst that would be able to absorb air pollutants, which would offer environmental benefits. However, it has not been demonstrated that this measure could not be used on a plain shroud or with less harmfully designed advertisement insets. Therefore, I give this matter limited weight which would not outweigh the harm identified to amenity.

Conclusions and Recommendations

29. For the reasons given above and having had regard to all other matters raised, I recommend that both appeals should be dismissed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decisions

30. I have considered all the submitted evidence and my representative's recommendation and agree with the reasoning and recommendation. On that basis Appeal A and Appeal B are both dismissed.

L McKay

INSPECTOR