



Appeal Decision

Site visit made on 31 July 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2024

Appeal Ref: APP/X5990/Z/24/3340929

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 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Nick Lawson of Soho Estates Ltd against the decision of the City of Westminster Council.
 - The application Ref is 24/01231/ADV.
 - The advertisement proposed is temporary scaffold shroud wrap advertisement printed onto pvc measuring 20 x 10 metres.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised in the interest of amenity and public safety, taking into account the provisions of the development plan, so far as they are material; and any other factors. The Council's reason for refusal relates specifically to matters of amenity. There was no objection raised on the grounds of public safety and I find no reason to take a different view on that matter.

Main Issue

3. The main issue is the effect of the proposed advertisement on the visual amenity of the area, with specific regard to the Leicester Square Conservation Area (LSCA).

Reasons

4. The appeal site is a five-storey building with a curved facade, located on the corner of Leicester Square, Bear Street and Cranbourn Street. The building has a commercial use at ground floor level with large fascia signage. Above this level almost the entire facade is glazed. Two vertical, rectangular digital screens with frequently changing displays are located either side of the curved glazed element of the building. It is located in a prominent location with large parts of the building visible from various locations in Leicester Square wrapping around the junction of Cranbourn Street and Bear Street.
5. The LSCA covers the area around Leicester square, the roads leading off it and the streets immediately surrounding. Its special interest and significance is derived from the relationship between the area's entertainment and leisure venues and the central garden with its mature trees and the historical buildings

around it. The appeal building is prominent within this setting and the curved glazed façade of the appeal site makes a positive contribution to the special interest and significance of the LSCA.

6. The proposed advertisement would be printed onto pvc, measuring 20m by 10m and wrapped around the scaffold, 7m from the ground, and would be in place for a period of approximately 7 months whilst building works are carried out. It would be externally illuminated by a series of downlighters and provide for the static display of public information and advertising, which would be changed manually.
7. The advertisement would cover a large proportion of the host building, dominating its appearance. Due to the curved design of the building, it would be visible from many of the approaches into Leicester Square including Leicester Place, Cranbourne Street and from within it. Despite the temporary nature of the proposal, its scale would dominate the host building. As a result, it would disrupt the relationship between the built form and the open square, thereby harming the special interest and character of the LSCA.
8. The appellant has suggested a fallback position. Whilst I recognise that some form of covering is likely to be necessary to cover the building for safety reasons while building works take place, I have no details before me on what coverings would be required to protect the building. However, any covering would be viewed within the context of the temporary construction works to the building and would be likely to be less harmful to the character and appearance of the LSCA than the proposed advertisement. Consequently, I have attributed limited weight to this potential fallback position.
9. Planning Policy Guidance¹ states that buildings which are being renovated or are undergoing major structural work and which have scaffolding or netting around them may be considered suitable as temporary sites for shroud advertisements. Nevertheless, the guidance also states that if the locality where an advertisement is to be displayed has important scenic, historic, architectural or cultural features, consideration should be given to whether it is in scale and in keeping with these features. Leicester Square is a busy commercial environment and there are examples of large advertisements in the LSCA. However, in this instance the proximity of permanent advertisements on other buildings close by would mean that the façade of the building and the street scene would appear cluttered, thereby detracting from the character and appearance of the LSCA. As such the proposal would fail to preserve or enhance the character and appearance of the LSCA. Whilst the advert would only be displayed for a temporary period, this is not sufficient justification to allow a proposal which would have a harmful effect on the amenity of this sensitive location.
10. In accordance with the Regulations, I have had regard to the provisions of the development plan. Of particular relevance to the appeal proposal, Policy 43 of the Westminster City Plan 2021 (WCP) states that development will contribute to a clutter-free public realm and advertisements will make a positive contribution to amenity by being sensitively designed in terms of, amongst other things, their size, location and impact on the building on which they are displayed, street scene and wider townscape.

¹ Paragraph: 005 Reference ID: 18b-005-20140306

11. I conclude that the proposed advertisement would be harmful in visual amenity terms, harming the character and appearance of the LSCA. Insofar as they are of material consideration, the proposal would be contrary to WCP Policies 38, 39, 40 and 43 which require development to be of high-quality design, which contributes positively to streetscape and ensures heritage assets and their settings are conserved and enhanced. It would also be contrary to chapters 12 and 16 of the National Planning Policy Framework (2023) which seeks to ensure that development is well designed and appropriate to the historic environment to within which it is proposed.

Conclusion

12. For the reasons given above, and having had regard to all matters raised, I conclude that the proposed advertisement would harm visual amenity and the appeal should be dismissed.

C Skelly

INSPECTOR