



Appeal Decision

Site visit made on 6 November 2024 by R Dickson BSc (Hons) MSc MRTPI

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal Ref: APP/X5990/Z/24/3350788

Empire Casino, 5-6 Leicester Square, City of Westminster, London WC2H 7NA

- 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 Metropolitan Gaming against the decision of City of Westminster Council.
 - The application Ref is 24/04904/ADV.
 - The advertisement proposed is for the display of an internally illuminated projecting sign measuring 3.2m x 0.6m.
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Decision

1. The appeal is allowed and express consent is granted for the display of an internally illuminated projecting sign measuring 3.2m x 0.6m, at Empire Casino 5-6 Leicester Square, City of Westminster, London WC2H 7NA in accordance with the terms of the application, Ref 24/04904/ADV. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations.

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.

Preliminary Matters

3. The Council has referenced development plan policies it considers to be relevant to this appeal and I have taken these into account where they are material. However, powers under the Town and Country Planning (Control of Advertisements) Regulations 2007 (The Regulations) to control advertisements, may only be exercised in the interests of visual amenity and public safety, taking account of any material factors. Consequently, the Council's policies have not by themselves been decisive in my determination.
4. There is a variation in the description of development across the original application form, and the subsequent decision notice and appeal form. I have used the description of development contained within the Council's decision notice. It excludes superfluous details which are the subject of a different approval.

Main Issue

5. Paragraph 141 of the National Planning Policy Framework (Framework) states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council has concluded that the advertisement would not harm public safety. The main issue is the effect of the proposed advertisement on visual amenity, with specific regard to the Leicester Square Conservation Area.

Reasons for the Recommendation

6. The host building for the proposed advertisement fronts Leicester Square and is a prominent contribution to the overall street scene. The host building has several entrances, and the proposed advertisement would be located on one of the side entrances, which is located on Leicester Street. The advertisement is a projecting sign with internally illuminated letters. From Leicester Street, the building has a recessive character as the frontage appears to be significantly lower than the buildings around it. When viewing it from Leicester Street, it is not immediately obvious that it is part of the larger building which fronts onto Leicester Square, owing to it being tucked around the corner and of a smaller scale.
7. The building is situated within the Leicester Square Conservation Area (CA) which appears to derive its significance from its cultural contribution as a destination for many visiting London. The vibrant and colourful character and appearance of the area, comprised mainly of shopping and entertainment premises, also forms part of the significance of the CA. In accordance with the statutory duty set out in Section 72(1) 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 reaching this recommendation.
8. The frontage of the appeal building onto Leicester Street appears to be smaller than others around it, being subordinate in scale. The advertisement would sit comfortably on the first floor detailing and be of a sympathetic scale within the overall frontage of this side entrance to the building. It would not detract from the older façade, and owing to its size and positioning between the horizontal fascia sign and the eaves, would be an understated addition to the front of the building, complementing its overall appearance.
9. As discussed, the area is vibrant, with a number of other entertainment establishments within the CA. There are a mix of advertisements near to the appeal site with no apparent uniformity in their type, size or placement on their host buildings. The sign would highlight the entrance to passers-by and would be in keeping with the use of the building. It would be of an appropriate scale given that it would be positioned on the secondary entrance. Given that the character of the CA is dominated by entertainment establishments with a mixture of advertisements, the proposal would preserve the character and appearance of the CA and cause no harm to its significance.
10. Accordingly, the proposed advertisement would be a harmonious addition within the street scene, protecting the visual amenity of the area. It would preserve the character and appearance of the CA and would be in accordance with the Framework. In accordance with the Regulations, I have also taken into account Policies 38, 39 and 43(G) of the City Plan 2019-2040 (2021) which

collectively seek to protect visual amenity of the CA, ensuring that proposals contribute positively to the streetscape. Given I have concluded that the proposal would preserve visual amenity, the proposal is in accordance with these policies.

Conclusion and Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to the five standard conditions.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed subject to the five standard conditions.

Mr A Spencer-Peet

INSPECTOR