



Appeal Decision

Site visit made on 2 December 2024

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9th January 2025

Appeal Ref: APP/X5990/Z/24/3351232

Alexandra House, 33, Kingsway, WC2B 6UF

- 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 Miss Katrina Hunt on behalf of Central District Alliance BID against the decision of City of Westminster Council.
 - The application Ref is 24/04033/ADV.
 - The advertisement proposed is installation of lightweight Christmas Lights into 8 of the trees on Kingsway (see attached map) Each tree will have 6 lights in them evenly spread about, please see enclosed decoration details. There are 2 sizes of decoration, 55cm and 80cm and they weight 2.5kg and 3kg respectively.
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Decision

1. The appeal is allowed and express consent is granted for the display of lightweight Christmas Lights into 8 of the trees at Alexandra House, 33 Kingsway, City of Westminster, London WC2B 6UF in accordance with the terms of the application, Ref 24/04033/ADV, dated 17 June 2024. The consent is until 19 January 2025 and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the following additional conditions:-
 - 1) The advertisements hereby approved shall be removed and the site restored no later than 19 January 2025
 - 2) The advertisements hereby approved shall be installed, operated, and removed in accordance with the measures set out in the Arboricultural Method Statement RSKHL_8174b.23_AMS and Tree Protection Statement KWTP-01.
 - 3) Any part of the advertisements hereby approved located over a vehicle carriageway, or over a pedestrian footway and within 1 metre (horizontal) from the edge of a vehicle carriageway shall be fixed so that no part of the advertisement is within 5.3 metres of ground level. Any part of the advertisements hereby approved located over any other part of a pedestrian footway shall be fixed so that no part of the advertisement is within 2.6 metres of ground level.

Preliminary Matters

2. I have amended the description of the proposed advertisements in my formal decision by removing elements that do not relate to the advertisements themselves. I have done so in the interests of clarity.
3. The provided application form indicates that the period for which consent is sought is until 19 January 2025, as opposed to the five years set out at Regulation

14(7)(b) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (“the Regulations”) and my decision reflects this accordingly.

4. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as material considerations. However, powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (‘the Regulations’) may be exercised only in the interests of amenity and public safety, taking account of any material factors. Therefore, in determining this appeal, the Council’s policies, in themselves, have not been decisive.
5. A revision to the National Planning Policy Framework (‘the Framework’) was published in December 2024. The amendments did not have a bearing upon the issues in this appeal, and it was therefore not necessary to seek comments from the main parties upon it. Where I have referred to the Framework, it is that of the December 2024 version.

Main Issue

6. The main issue is the effect of the proposed advertisements upon the amenity of the area.

Reasons

7. The appeal relates to 8 street trees located on Kingsway, which is a wide and busy principal street. The five trees on the western side of Kingsway lie within The Strand Conservation Area (‘the CA’), while those on the eastern side of the road are located outside of the CA, but nevertheless form part of its setting.
8. The Strand Conservation Area Character Appraisal (‘the Character Appraisal’) identifies that trees within the CA provide significant amenity value and are important elements in the character and appearance of the CA. In particular, street trees are identified as defining features of CA. The Character Appraisal also notes that mature trees lining the wide pavements characteristic of the principal streets of the CA reinforces the importance of these streets and provides green foil to the surrounding built environment. On this basis, the trees subject of this appeal contribute positively to the significance of the CA.
9. The statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a CA, set out at Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, applies insofar as it relates to the consideration of amenity.
10. While the proposal would constitute prominent illuminated advertisements, they would line a busy principal route for a limited temporary period during the festive season. Such displays are common in busy urban areas and I saw on my site visit that other, similar displays were in place elsewhere on Kingsway and other streets within the area. The Council has not raised concern with the effects of the advertisements themselves upon the amenity of the area or the character or appearance of the CA, and I have no reason to disagree.
11. Rather, the concern of the Council relates to the effect of the proposed method of attachment of the advertisements to the trees, and that any long-term damage to

the host trees could affect amenity, along with the character and appearance of the CA.

12. The appellant's Arboricultural Method Statement ('the AMS') and accompanying evidence identifies that the advertisements would be powered by cable connection and would be attached by means of 3mm wire and gripples, on tree limbs protected by neoprene. Extension cables and splitters would be attached using loosely attached cable ties.
13. The AMS goes on to state that given the short-term period of attachment, that additional tree growth would be unlikely to occur such that the means of attachment would become restrictive.
14. While I accept that if inappropriately installed, that the proposal could lead to damage, no substantive evidence has been put before me that indicates that the measures set out in the AMS in relation to attaching the adverts would lead to harm to the trees. Adherence with the proposed methodology could be secured by means of condition in order to prevent inappropriate installation. On this basis, I consider that it is unlikely that the display of the advertisements would lead to harm to amenity or the significance of the CA through damage to the host trees.
15. The Council has highlighted that the Westminster Way – Public Realm Strategy, Design, Principles and Practice Supplementary Planning Document ("the SPD") states that illumination of trees should only ever be used on exceptional specimens or in exceptional locations as an integral part of a purposeful place-making scheme, and that illumination can cause problems for tree health.
16. However, the SPD also acknowledges that there are some exceptions where the illumination of trees can be effective in helping to create drama and a sense of space when used seasonally, and the proposal before me constitutes the type of seasonal illumination which could form such an exception.
17. Overall, having regard to all of the above, I conclude that the proposed advertisements would not harm amenity. In reaching this conclusion I have had regard to Policies 34, 39 and 43 of the City of Westminster City Plan, which together and amongst other factors, seek to protect the character and appearance of conservation areas and state that signs and advertisements should make a positive contribution to amenity, and seek to protect trees of amenity value. These policies are therefore material to this case, and as I have found that there would be no harm to amenity, there is no conflict with them.

Other Matters

18. Although the Highway Authority raised concerns in relation to the effect of the advertisements upon public safety, the Council did not refuse to grant consent on this basis as it considered that this issue could be adequately addressed by means of planning condition. Subject to a condition relating to the minimum height of the proposed advertisements, there is no evidence before me which would lead me to reach a different conclusion to the Council on this matter.

Conditions

19. In addition to the standard conditions set out in the Regulations, the Council has suggested additional conditions.

20. I have attached conditions in relation to the means of installation and removal of the adverts at the end of the period of consent in the interests of the amenity of the area and preserving the character or appearance of the CA, by preventing damage to the host trees. I have amended the Council's suggested condition relating to the operation of the advertisement as it has not been shown that restrictions on the exact dates of illumination would be either reasonable or necessary. Conditions relating to the height of the proposed advertisements above the carriageway and footway are required in the interests of public safety.
21. The Council suggested an additional condition stating that the proposed works need to be completed in accordance with details of a previous approval. However, this condition is imprecise and unnecessary. Therefore, having regard to the tests for planning conditions set out in the Framework, I have not attached this condition.

Conclusion

22. For the reasons given above, I conclude that the appeal should be allowed and express consent granted subject to the conditions set out.

C Harding

INSPECTOR