



Appeal Decision

Site visit made on 21 January 2025

by **Paul Martinson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 January 2025

Appeal Ref: APP/X5990/Z/24/3354504

10-11 Great Newport Street, City of Westminster, London WC2H 7JA

- 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 Anamaria Muntyan of JJ & TEAM 2 LTD against the decision of City of Westminster Council.
 - The application Ref is 24/05511/ADV.
 - The advertisement proposed is described as: 'A wooden A-frame related to the business. One side of the A-frame features a picture of Dynamite Shrimp, and the other side features sushi. The picture will be changed periodically depending on sales and new menu items'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has identified elements of the proposed plans that it considers do not have the relevant consents. This includes the siting of tables and chairs on the public highway. Given that I am dealing with an appeal against a refusal of advertisement consent I have limited my assessment to the matters for which consent was sought, as shown in the description in the banner heading above, which was taken from the application form.
3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Policy Framework (the Framework) state that advertisements should be subject to control only in the interests of amenity and public safety. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest¹.
4. The appeal site lies within the Covent Garden Conservation Area (the CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) applies to the exercise of functions under the Planning Acts. I have therefore had special regard to section 72(1) of the Act in so far as it relates to the consideration of 'amenity'.
5. The appellant's evidence suggests that the position of the advertisement could be amended following the Council's decision. However, there are no plans of this amendment before me, and I am required to base my decision on the plans that were before the Council when it made its decision. Therefore, notwithstanding the appellant's suggestion, my decision is based on those same plans.

¹ Regulation 3(2) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Main Issues

6. The main issues are the effect of the proposed advertisement on the amenity of the area and public safety.

Reasons

Amenity

7. The CA is characterised by its large, grand, Georgian and Victorian buildings fronting the pavement edge with vibrant ground floor commercial uses. Whilst the area is generally free from advertisement clutter, signage is prevalent here and the mix of signs and commercial uses contributes to its vibrancy. This signage is typically limited to fascia signs and hanging signs which are often illuminated. I saw on the site visit that signage placed directly on the pavement is rare.
8. Great Newport Street is a short street that links Charing Cross Road in the east with St Martins Lane in the west. The appeal site is an area of pavement outside of the restaurant at No 10-11. No 10-11 is one of a row of attractive historic buildings with brightly coloured signage in the form of fascia signs, a hanging sign, a wall-fixed menu display board and branding to the overhanging valance. Street furniture is common here and includes two telephone kiosks along this side of the road. Typical of the vibrant appearance of the area, the area in the context of the appeal site contributes positively to the character and appearance of the CA.
9. The proposed new advertisement would be in the form of a free-standing board placed directly on the pavement outside the restaurant entrance door. It would be positioned 0.613 metres from the external face of the building and would be 0.700 metres wide and 1.015 metres high. The picture on the sign would be changed periodically but would reflect the brightly coloured fascia and hanging signs.
10. Owing to its position on the pavement, set forward of the existing signage at No 10-11, the new advertisement would be a prominent addition to the streetscene when walking along the pavement here. As such, having regard to the extent of existing advertisement at the appeal site and the uncharacteristic nature of pavement signage, the proposal would appear discordant and constitute visual clutter that would impact negatively on the contribution of the appeal site to the character and appearance of the CA. On this basis the proposal would fail to preserve the character or appearance of the CA.
11. For the above reasons, the proposal would adversely affect the amenity of the area. The proposal would therefore conflict with paragraph 141 of the Framework. I have taken into account Policies 38, 39 and 43 (G) of the Westminster City Plan (2021) (the WCP) which, amongst other things, seek to protect visual amenity and so are material in this case. Given I have concluded that the proposal would harm visual amenity, the proposal conflicts with these policies.

Public Safety

12. Located close to Leicester Square Underground Station, and lying between 2 busy thoroughfares, there is a dense concentration of movement along Great Newport Street, both in terms of vehicular traffic and pedestrians. The pavement adjacent to the appeal site is of an average width, although pedestrian flow is inhibited by the two telephone kiosks as well as other street furniture along this part of Great Newport Street. Additionally, there are designated parking bays on this side of the

road positioned parallel with the pavement. Parked vehicles occupying these spaces also have a limiting effect on pedestrian flow. On the site visit, I saw numerous pedestrians wheeling suitcases past the site and a steady flow of pedestrians from the Underground Station towards St Martins Lane. There is thus a high level of pedestrian traffic in this location which is already subject to numerous pressures.

13. Being around 0.7 metres wide and positioned into the pavement by 0.6 metres, the free-standing board would interfere with the free flow of pedestrian traffic at a point where there is already particularly high pressure. At times of high footfall, the board is likely to be out of view for pedestrians until they are almost level with it. This could lead to pedestrians stopping suddenly along the pavement, leading to collisions or pedestrians stepping into the road. This would constitute an adverse effect on pedestrian safety, by restricting the available pavement area in this location.
14. For the above reasons the proposal would adversely affect public safety. The proposal would therefore conflict with paragraph 141 of the Framework. I have taken into account WCP Policies 25 and 43 (D) which, amongst other things, seek to protect public safety and so are material in this case. Given I have concluded that the proposal would be harmful to public safety, the proposal conflicts with these policies.

Conclusion

15. For the reasons given above, the appeal is dismissed.

Paul Martinson

INSPECTOR