
Appeal Decision

Site visit made on 28 February 2025

by **S Poole BA(Hons) DipArch MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th March 2025

Appeal Ref: APP/K5030/Z/25/3358856

Pavement o/s 29-31 Wormwood Street, London EC2M 1RP

- 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 Richard Wilson, New World Payphones, against the decision of the City of London Council.
 - The application Ref is 24/00376/ADVT.
 - The advertisement proposed is 1 no. digital advertisement display within the approved communications kiosk
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 22 November 2024, planning permission was granted for a communications kiosk at the appeal site (Ref. 24/00375/FULL). The accompanying advertisement consent application for 1no. digital advertisement display within the communications kiosk was refused. This appeal therefore solely considers the addition of a digital display within the approved kiosk. To reflect this, and in the interest of clarity, I have used an amended description of the proposal in the banner heading above rather than that given on the application form.
3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that applications for the display of advertisements are considered 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.
4. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issue

5. The main issue is the effect of the proposed advertisement on visual amenity.

Reasons

6. The appeal site comprises an area of pavement in front of 29-31 Wormwood Street and below a high level pedestrian bridge. Wormwood Street is a heavily trafficked 4-lane main road bounded by substantial commercial buildings many of which have street level retail frontages. There is an existing telephone kiosk a short distance from the appeal site which is to be removed when the approved kiosk is installed.
7. The appeal site is a short distance from the New Broad Street Conservation Area and 89-91 Old Broad Street, an elegant late-Victorian building at the junction between London Wall and Old Broad Street. A little further along London Wall is the grade I listed Church of All Hallows.
8. Planning permission has been granted for the demolition of 29-31 Wormwood Street and then neighbouring buildings on the corner of Wormwood Street and Old Broad Street and the erection of 24-storey building comprising office space, flexible retail/café use, maker/studio space (Ref: 23/00469/FULEIA). The red line for this planning permission includes the appeal site and at the time of my site visit scaffolding was being erected on the pavement, including on the site for the approved kiosk. Based on my site observations and the information before me it appears the redevelopment of the corner site is going forward. Consequently, my assessment of the proposal needs to take into account the future context of the appeal site.
9. The approved kiosk would be similar in size and appearance to a traditional telephone kiosk but with an open side. The other side would be a solid wall positioned at right angles to the road. The proposal that is the subject of this appeal would comprise the installation of a Liquid Crystal Display digital screen for the display of advertisements on the outer side of this element. This would be about 0.9m wide by 1.6m high and limited to a maximum luminance of 3500cd/m² in daylight (in the brightest ambient lighting conditions) and 300cd/m² at night. The appellant indicates that this would display static images that would change every 10 seconds and would be used for purposes including Council public information, public health information, and emergency incident messaging.
10. I note that an appeal¹ in respect of a similar form of advertisement in front of 32-33 Wormwood Street was dismissed in 2019. My colleague's observations in that case are matters to which I attach significant weight.
11. In views from the opposite side of Wormwood Street the proposal would be viewed obliquely and against a backdrop of the new development that would include extensive glazing at street level and most likely a high level of illumination during hours of darkness. In this respect the proposal would not harm visual amenity.
12. However, in views looking along the pavement on the northern sides of London Wall and Wormwood Street, the kiosk would be a comparatively isolated element of street furniture that would be viewed front-on against a varied backdrop of distant buildings. A digital screen installed on this side of the kiosk would, due to its size, siting and level of illuminance, be an overtly prominent and incongruous addition to the street scene. I conclude therefore that the proposal would have an unacceptable effect on visual amenity.

¹ APP/K5030/H/18/3212604

13. I have taken into account Policies CS10, DM10.6, DM15.7 of the City of London Local Plan (2015) which, amongst other matters, seek to protect amenity and so are material in this case. Given I have concluded that the proposal would harm amenity, the proposal conflicts with these policies.

Other Matters

14. The appellant has referred to various social and economic benefits that may arise from the installation of the proposed advertisement. However, the Regulations stipulate that advertisements are subject to control only in the interests of amenity and public safety, and therefore the benefits referred to cannot be taken into account. Accordingly, I attach minimal weight to these matters.
15. Reference has been made to similar advertisements in the wider area and to appeal decisions relating to approved kiosks with digital screens in other parts of central London. As each application and appeal needs to be considered on its individual merits, having regard to its particular local context, I afford limited weight to these matters.

Conclusion

16. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR