



Appeal Decision

Site visit made on 31 March 2025

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

an Inspector appointed by the Secretary of State

Decision date: 16 April 2025

Appeal Ref: APP/X5990/Z/25/3358748

5-7 Foubert's Place, London W1F 7PY

- 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 Mrs Allison Romano, Astrid & Miyu, against the decision of the City of Westminster Council.
 - The application Ref is 24/05432/ADV.
 - The advertisement proposed is "2 A-boards. Size 80 cm H x 56 cm W. Birch plywood in RAL colour 1013".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. 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. Matters relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.
3. The appeal site lies within the Soho Conservation Area (the CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies to the exercise of functions under the Planning Acts. I have therefore had special regard to section 72(1) in so far as it relates to the consideration of 'amenity'.

Main Issues

4. The main issues are the effects of the proposed advertisement on: i) visual amenity, with particular regard to the character and appearance of the CA, and ii) public safety, with particular regard to the safety of pedestrians.

Reasons

Amenity

5. The appeal property occupies a corner site at the junction between Kingly Street and Foubert's Place. The former is a narrow street with shops and bars on one side and the rears of buildings fronting onto Regents Street on the other. This street allows vehicular access for service vehicles. Foubert's Place is a narrow

pedestrian street with shop units to either side. The buildings fronting onto these streets and their shopfronts make a clear positive contribution to the character and appearance of the CA.

6. The proposal would comprise the positioning of 2 A-boards outside the appeal property, one within the pavement in Kingly Street and the other next to the main shop frontage on Foubert's Place. These signs would advertise the shop.
7. At the time of my visit there were A-boards in front of many of the shops in Foubert's Place. However, there is no evidence before me that this signage is authorised. Consequently, I attribute limited weight to these A-boards. There were no A-boards to be seen in Kingly Street at the time of my visit and there is no evidence before me to indicate that such advertisements have been authorised in this street.
8. Due to their size and siting, and absence of authorised A-boards in both Kingly Street and Foubert's Place, the proposed A-boards would be incongruous elements in the street scene that would add a degree of visual clutter that would have an unacceptable effect on the visual amenity of the area and fail to preserve the character and appearance of the CA.
9. I have taken into account Policies 38, 39 and 43(G) of the Westminster City Plan which, amongst other matters, seek to protect amenity and are material in this case. Given I have concluded that the proposal would harm amenity, the proposal conflicts with these policies.

Public Safety

10. The application plans show an A-board sited in Foubert's Place very close to the façade of the appeal property. Given the width of this street and the absence of vehicular traffic I am satisfied that this part of the proposal would not compromise public safety.
11. There is a narrow pavement in front of the appeal property in Kingly Street. The installation of an A-board in the position proposed on this street would potentially have the effect of diverting pedestrians onto the section of the street shared with service vehicles, therefore leading to an increased risk of harm to pedestrians. For this reason I conclude that this element of the proposal would have an unacceptable effect on public safety.
12. I have taken into account Policies 38, 39 and 43(G) of the Westminster City Plan which, amongst other matters, seek to protect public safety and are material in this case. Given I have concluded that the proposal would harm public safety, the proposal conflicts with these policies.

Conclusion

13. For the reasons set out under the first main issue, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR