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## Appeal Decisions

Site visit made on 10 June 2025

by **N Teasdale BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4<sup>th</sup> July 2025

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### **Appeal A Ref: APP/K5030/W/25/3359154**

#### **Pavement outside 35 Fenchurch Street, London EC3M 3BD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
- The appeal is made by Urban Innovation Company (UIC) Ltd against the decision of City of London Council.
- The application Ref is 24/00769/FULL.
- The development proposed is Installation of a telecommunications kiosk with two integrated digital advertising screens.

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### **Appeal B Ref: APP/K5030/H/25/3359155**

#### **Pavement outside 35 Fenchurch Street, London EC3M 3BD**

- 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 Urban Innovation Company (UIC) Ltd against the decision of City of London Council.
  - The application Ref is 24/00770/ADVT.
  - The advertisement proposed is Installation and display of two digital advertising screens, each measuring 0.93m wide by 1.66m tall, to telecommunications kiosk.
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## **Decision**

1. Appeal A and Appeal B are dismissed.

## **Procedural Matters**

2. As set out above there are two appeals on this site. They differ only in that Appeal B is for advertisement consent for the illuminated advertisement. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
3. The description of development as set out in the above banner heading has been taken from the Council's decision notice as this specifically refers to the proposed development in respect of both appeals.
4. The decision notice for Appeal A cites Policy DE6 of the City Plan 2040 Revised Proposed Submission Draft, 2024 (CP). The CP has been submitted to the Secretary of State and is subject to an independent Examination. The document has not been formally adopted and does not form part of the statutory development plan. Consequently, I only afford their relevant policies weight as material considerations insofar as they are consistent with the National Planning Policy Framework (the Framework).

5. Regulations to control advertisements may be exercised only in the interests of amenity and public safety. Although the reasons for refusal for Appeal B refers to policies contained in the City of London Local Plan, 2015 (CLLP) and London Plan, 2021 (LP), these are material considerations rather than being decisive in the determination of Appeal B.

### **Main Issues**

6. It is considered that the main issue for Appeal A is the effect of the proposed development on the character and appearance of the surrounding area.
7. For Appeal B, the assessment regarding public safety is not disputed and the main issue is therefore the effect of the proposed advertisement on amenity.

### **Reasons**

8. The appeal site relates to the pavement outside No. 35 Fenchurch Street. This location is on a busy footway in close proximity to a retail use entrance. In the immediate vicinity there are Sheffield-type bicycle stands, a bus stop and a camera column. The site is also in close proximity to the telephone kiosk consented under reference 24/00377/FULL outside 30 Fenchurch Street which is only 40 metres to the west of the appeal site.
9. The proposed development seeks consent for the installation of a Pulse Smart Hub which would comprise a flat design, with all faces being coloured black – anodised metal, with glass covering the screens. The edges and roof of the unit would comprise red coated fibreglass. Overall, the unit would measure 1.28 metres wide, 0.35 metres deep and 2.54 metres tall. It would incorporate digital LED advertising screens on either side facing east and west. It has been designed to provide improved connectivity with access to information and services directed towards the specific needs of the local community as well as direct access to emergency equipment including a public access defibrillator. All the features are to be provided at no cost to members of the local community and wider public and have been and continue to be refined and developed in collaboration with tourism boards, local councils, police, outreach charities and other community organisations. The advertisement display is the subject of Appeal B.
10. The proposed development would be positioned in a prominent location at the front of the pavement, next to the highway being readily visible from a number of public viewpoints. The proposed Pulse Smart Hub structure together with the internally illuminated digital advertisement panels, by reason of its size, scale, siting and design would be an incongruous visually intrusive feature in the immediate and wider townscape. It would contribute to street clutter detrimental to the character of the street scene and public realm. To this end, it would be visibly larger than the kiosk consented outside 30 Fenchurch Street. Cumulatively, two kiosks in the vicinity would be unacceptable particularly given the design and appearance of the proposed scheme. Further, its positioning in close proximity to cycle stands and a dockless cycle parking area would not only reduce visibility of the bicycle stands, impacting their security and useability but could also encourage further careless and excessive dockless cycle parking.
11. The proposed advertisement would be internally illuminated which would increase its overall visual prominence in this location even taking into account levels of luminance and display of content which could be controlled. In coming to such

findings, I have had due regard to the scale and size of nearby buildings, other street furniture and the presence of amenities but this would not mean that the scheme would not be dominant as it would unnecessarily add to street clutter in the area where it would appear obtrusive in this particular setting. It would stand out in views along Fenchurch Street detracting from views of the Grade I Listed All Hallows Staining Tower to the east. I am aware of the Council's concerns regarding views along Fenchurch Street towards parts of the Leadenhall Market Conservation Area. However, there is sufficient separation between the Leadenhall Market Conservation Area and the appeal site where views would not be so detrimentally impacted by the development. This element is therefore of lesser concern to me, although the proposal would still adversely affect an observer's ability to appreciate and understand the immediate townscape by unacceptably drawing the eye.

12. My attention has been drawn to the planning history of the site whereby prior approval was granted at the same location as the current proposals on the 15 August 2018 (under appeal ref. APP/K5030/W/17/3189186) following the council's decision to refuse planning permission for the installation of a telephone kiosk. The phone box has not been installed and the prior approval has now expired and thus not strictly relevant. Notwithstanding, whilst both schemes relate to a structure on the pavement in the same location and raise similar planning matters, their overall design/proposal is different even considering the appellant's arguments regarding the streamlined form of the proposals. To this end, the previous Inspector explained that the kiosk would be a largely transparent structure, and a condition was attached to ensure all glazed surfaces were to remain transparent and visually unobstructed for the life of the kiosk to avoid visual clutter. In contrast, the proposed scheme is for a tall solid structure incorporating digital advertisement screens which further exacerbates the harm. Moreover, the previous scheme was made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015. Its overall assessment having regard to the development plan policies were therefore different in respect of Appeal A.
13. I am aware of the High Court decisions submitted relating to consistency in decision making. However, the specific circumstances of this appeal leads me to an overall different conclusion to that of the previous Inspector. Other schemes referred to elsewhere would also not alter my findings as I have limited detail of other schemes and ultimately their location and context would likely be different. I have considered this scheme based on its own merits.
14. For the above reasons, I conclude that the proposed development would unacceptably harm the character and appearance of the surrounding area. Appeal A would therefore be contrary to Policies CS2, CS10, DM10.4 and DM10.6 of the CLLP, Policy DE6 of the CP and Policy D8 of the LP which together, amongst other matters, encourages a high standard of design and a restrained amount of advertising in keeping with the character of the City.
15. Given my findings above in terms of character and appearance matters, it is concluded that Appeal B would also harm amenity and would conflict with Policies CS10, DM10.6 of the CLLP and Policy D8 of the LP which together, amongst other matters, ensures the public realm is well-designed, safe, accessible, inclusive, attractive, well-connected, related to the local and historic context, and easy to

understand, service and maintain. Given that regulations to control advertisements may be exercised only in the interests of amenity and public safety, such policies are material considerations rather than being decisive in the determination of Appeal B.

16. I am aware of other policies the appellant refers to, but the proposed development would still need to comply with the abovementioned policies which this scheme does not.

### **Other Matters**

17. The appellant is fully committed to ensuring the quality of installations including their management and reduction in crime as well as adherence to guidance/regulations. I am also aware of the matters not in dispute although this would not alter my findings on the above main issue.
18. I acknowledge the benefits associated with the scheme as referred to above and I am aware of the support set out in the Framework for high quality communications whilst noting smart city solutions, unit management plans, sustainability, and innovation matters. However, such benefits would not be sufficient to outweigh the identified harm. In respect of Appeal B, this relates to advertisement consent only where the regulations require that I exercise my powers only with regard to amenity and public safety. These benefits have not therefore been determinative in my assessment.

### **Conclusion**

19. The proposed development would unacceptably harm the character and appearance of the surrounding area. Accordingly, the proposed development would conflict with the development plan when considered as a whole as well as the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. There are no material considerations, either individually or in combination including the provisions of the Framework, that would outweigh the identified harm and associated plan conflict. I conclude that Appeal A and Appeal B should be dismissed.

*N Teasdale*

INSPECTOR

## Appendix 1

List of those who have appealed

| <b>Reference</b> | <b>Case Reference</b>  | <b>Appellant</b>                   |
|------------------|------------------------|------------------------------------|
| Appeal A         | APP/K5030/W/25/3359154 | Urban Innovation Company (UIC) Ltd |
| Appeal B         | APP/K5030/H/25/3359155 | Urban Innovation Company (UIC) Ltd |