



Appeal Decision

Site visit made on 8 April 2025 by S Wilson LL.B. MSc MRTPI

Decision by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2025

Appeal Ref: APP/X5990/Z/25/3360368

Basement And Ground Floor, 20 New Row, City of Westminster, London WC2N 4LA

- 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 Washington Green Retail Ltd against the decision of City of Westminster Council.
 - The application reference is 24/07669/ADV.
 - The advertisement proposed is described as: 'A Board frame positioned in front of retail store 178cm away from front window. Measurements - W67cm x D48cm x H88cm (straight) or H90cm (angle). Materials used - steel frame powder coated RAL7024, aluminium faceplate powder coated RAL7024, leather straps fitted with anti-tamper stainless fixing.'
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. During the application process the description of development changed from that on the application form. I have not been provided with any confirmation that this change was agreed by the parties. Therefore, I have used the original description which is, in any case, sufficient for the purposes of identifying the advertisement to which the appeal relates.
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 a material consideration where relevant. However, powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), (the Regulations), to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the policies cited by the Council have not therefore, by themselves, been decisive.

Main Issues

5. The main issues are:

- The effect of the proposed advertisement on public safety.
- The effect of the proposal on visual amenity with particular regard to whether the advertisement would preserve or enhance the character or appearance of the Covent Garden Conservation Area (CA).

Reasons for the Recommendation

Public Safety

6. The character of this part of New Row is that of a busy vibrant road with multiple examples of retail/commercial use at ground floor level, which is pedestrianised between the hours of 11am to 11pm. A large proportion of retail in the immediate vicinity is food/refreshments and there are numerous tables and chairs located outside shopfronts in the footway, some with associated advertisement boards.
7. Policy 43 of the City Plan 2019-2040 (the Local Plan) specifically outlines the circumstances under which signs and advertisements would be supported, highlighting that they should make a positive contribution to amenity or public safety by being sensitively designed in terms of their size, location and degree of illumination amongst other things. Policy 25 of the Local Plan sets out that the public realm must be easy and safe to walk through, promote de-cluttering and be suitable for vulnerable road users.
8. The location of the proposal would be outside the shopfront and within the footway, creating an obstacle, restricting the width of the footway, and restricting accessibility for all users. I have the benefit of full mobility and vision and therefore I would be able to safely avoid such obstructions. However, people with mobility or visual disabilities and parents with small children could collide with the obstruction contrary to the aims and objectives of an inclusive public realm.
9. Furthermore, vulnerable footway users could be required to enter the highway to avoid the obstruction in the footway. This would increase the likelihood of bringing pedestrians into direct conflict with moving vehicles and thus hazardous highway conditions outside the hours of pedestrianisation. Whilst I could impose a condition restricting the hours of display to coincide with the hours of pedestrianisation, this would not overcome the potential conflict of vulnerable users and the sign during hours of pedestrianisation.
10. Whilst there are numerous buildings with outside tables and chairs on the footway in the area, there is no evidence from the Council to suggest that the tables and chairs are unauthorised or that they do not have the necessary consent and/or licence. In any event, their existence does not justify allowing the proposal given the public safety harm that I have identified.
11. Accordingly, the proposal would present an obstacle to easy and safe access for all users contrary to Policies 25 and 43 of the Local Plan, guidance within the Westminster Way - Public Realm Strategy Design Principles and Practice Supplementary Planning Document (2011) and paragraph 115 of the National Planning Policy Framework 2024, insofar as they seek high quality public space that is easy, suitable and safe to walk through for all users.

Visual Amenity

12. The significance of the CA within which the proposal would be located is noted for its street patterns and period buildings which are considered to make a positive contribution to the CA.
13. The street within which the proposal would be located consists of uniform three storey brick buildings, traditional shopfronts, narrow footways, and a single lane single carriageway. The street furniture is traditional and consistently black, which adds coherence to the street scene, and the height of the buildings together with the narrow width of the street gives a characterful feeling of enclosure.
14. There are several tables and chairs on the footway in many locations outside of buildings on New Row. I cannot be certain of the circumstances which led to these tables and chairs being positioned in New Row, but as outlined above there is no suggestion from the Council that they are unauthorised. To the extent that they exist, coupled with their numbers, I find that they provide a context and character to New Row and hence this part of the CA. In this regard, the proposed A board advertisement would not appear visually intrusive or out of place. Indeed, it would have a neutral effect on the visual amenity of the area. As such, the proposal would preserve the character and appearance of the CA.
15. For the above reasons, I therefore conclude that the proposal would comply with Policies 39 and 43 of the Local Plan, insofar as they seek high quality development that preserves or enhances the historic environment.

Conclusion and Recommendation

16. Whilst I have found that the proposal would preserve the character and appearance of the CA, and no harm would be caused to visual amenity, I have found that significant harm would be caused to public safety. I therefore recommend that the appeal should be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

D Hartley

INSPECTOR