
Appeal Decision

Site visit made on 21 July 2025 by Kim Vo MPLAN

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2025

Appeal Ref: APP/X5990/Z/25/3366771

14 Victory House, Leicester Square, City of Westminster, London WC2H 7NG

- 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 Boparan Restaurant Group against the decision of the City of Westminster Council.
 - The application Ref is 25/01936/ADV.
 - The advertisement proposed is for a digital banner.
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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 and Main Issue

3. It is clear from the parties' cases and my site visit that this the appeal seeks retrospective consent. I have considered it accordingly.
4. The City Plan Partial Review is at examination stage. It includes updated policies on matters outside of the relevance of this appeal. The policies of the current development plan referred to in the Council's decision will be taken into account but so far as they are material considerations relevant to the main issue. Power to control advertisements may be exercised only in the interests of amenity and public safety so they have not been decisive. The Council do not have concerns regarding public safety, and I have no reason to disagree. My recommendation therefore focuses on the main issue, which is the effect of the advertisement on amenity, with specific regard to the Leicester Square Conservation Area (LSCA).

Reasons for the Recommendation

5. Due to the concentration of entertainment and commercial uses, Leicester Square hosts an abundance of advertisements of varying designs and types. However, the square also features many historic and distinctive buildings. This includes the appeal site, which relates to a ground floor unit situated within a larger building, designed in a French Renaissance style. The building is distinguished by its specific architectural detailing and makes a positive contribution to the character and appearance of the LSCA. Such detailing notably includes a series of fluted pilasters framing the ground floor facades, which front onto both Leicester Square

and Leicester Place. Given this corner position, the appeal site is prominent within the heart of Leicester Square. It is a focal point visually, given its nodal nature.

6. The digital banner forms a continuous, horizontal band across the corner frontage of the appeal site, obscuring the top sections of a large number of the fluted pilasters. Whilst they remain physically intact, their presence is visibly diminished due to the concealment. The advertisement therefore appears as a discordant and dominating addition that interrupts the vertical rhythm of these traditional features. Its prominence within the shopfront also severs the relationship and continuity between the ground floor facades and the ornate, architectural details of the upper floor levels. Its jarring presence is further intensified by the method of illumination and moving imagery which includes distracting bold and intense colours. Accordingly, the appeal scheme detracts from the significant architectural quality of the wider building and the important contribution it makes to both the character and appearance of the LSCA.
7. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. This statutory duty applies in advert appeals insofar as it relates to the consideration of amenity.
8. With this and the above in mind, the advertisement is harmful to the visual amenity of the area. The digital banner is therefore contrary to the aims of Policies 38, 39 and 43(G) of the City Plan 2021, as far as they are material to the main issue. They have not been decisive in the appeal. These policies seek, amongst others, for advertisements to make a positive contribution to amenity, for heritage assets to be preserved and enhanced, and for regard to be had to the character and appearance of the existing area.

Other Matters

9. It is suggested that the advertisement is required to support the long-term viability of the commercial unit, citing a history of tenancy turnovers. Financial viability is not a matter I can consider, as the regulations focus only on amenity and public safety. Notwithstanding this, I am not persuaded that the digital banner is necessary for the viability of this business, as alternative forms of signage with a lesser impact (such as those used previously) could be explored. It is not sufficiently clear as to whether a less harmful alternative would not be as successful.
10. I remain to be convinced that a lesser consent (for a reduced number of years), a restriction on changing imagery and a darker colour to the banner would satisfactorily overcome the concerns I have set out which extend to wider matters. These aspects are not, in any case, before me in the proposals and I would be reluctant to seek their agreement as conditions given how different the scheme would potentially turn out to be.

Conclusion and Recommendation

11. Due to the harm I have found to amenity, the advertisement is not acceptable under the aforementioned regulations. I therefore recommend the appeal be dismissed.

Kim Vo

APPEAL PLANNING OFFICER

Inspector's Decision

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

John Morrison

INSPECTOR