



Appeal Decisions

Site visit made on 24 July 2025

by **Andrew McGlone BSc MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 August 2025

Appeal A Ref: APP/X5990/W/25/3361269

Telephone Call Box outside 92 Victoria Street, London SW1E 5JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by In Focus Public Networks against the decision of City of Westminster Council.
 - The application Ref 24/04524/FULL was approved on 14 February 2025 and planning permission was granted subject to conditions.
 - The development permitted is the installation of an open access communication hub, following the removal of an existing communication apparatus.
 - The conditions in dispute are Nos 2, 3, 4, 5, 6, 7, 8, and 12 which state:
 - (2) *the permitted maximum luminance of the two digital display screens shall not exceed the level of 600cd/m² if illuminated area is less than 10m², if larger its 300cd/m²; during hours of darkness and all specifications shall be in accordance with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05 (PLG05): The Brightness of Illuminated Advertisements'.*
 - (3) *the illumination and advertisement/displayed image shall not be intermittent or flashing, not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements), not incorporate changing light patterns, and shall show two dimensional images only. (Please note the illumination of the proposed Hubs will need to adhere to limits of luminance, illuminance and intensity as advised in PLG05 [see Section 5 of Limiting the luminance of illuminated advertisements], and Guidance Note 01: The Reduction of Obtrusive Light).*
 - (4) *no content on the digital display screens shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.*
 - (5) *no audio associated with the advertisements.*
 - (6) *messages relating to the same product shall not be sequenced.*
 - (7) *the advertisements displayed on each panel shall not change more frequently than once every 15 seconds*
 - (8) *the interval between each piece of content on the digital display screens shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.*
 - (12) *the structure can remain for five years from the date of this letter. After that you must remove it and return the land to its previous condition.*
 - The reasons given for the conditions are:
 - (2) *to protect the visual amenity of the area.*
 - (3) *to protect the visual amenity of the area and in the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021).*
 - (4) *in the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 – 2040 (April 2021).*
 - (5) *to protect the amenity of the area.*
 - (6) *to protect the visual amenity of the area.*
 - (7) *to protect the visual amenity of the area.*
 - (8) *to protect the visual amenity of the area.*
 - (12) *so that we can assess the effect of the structure and make sure it meets policy 24, 25, 38, 39, and 43 of the City Plan 2019-2040 (April 2021).*
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Appeal B Ref: APP/X5990/H/25/3361821

Telephone Call Box outside 92 Victoria Street, London SW1E 5JL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) ("the Regulations") against a refusal to grant express consent.
 - The appeal is made by In Focus Public Networks against the decision of City of Westminster Council.
 - The application Ref is 24/0425/ADV.
 - The advertisement proposed is the display of advertisement integrated into the communication hub unit and comprises an LCD portrait screen.
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Decisions

1. Appeal A is allowed and the planning permission Ref 24/04524/FULL for the installation of an open access communication hub, following the removal of an existing communication apparatus at Telephone Call Box outside 92 Victoria Street, London SW1E 5JL granted on 14 February 2025 by City of Westminster Council, is varied by deleting conditions 2, 3, 4, 5, 6, 7, 8, and 12.
2. Appeal B is allowed, and express consent is granted for the display of the display of advertisement integrated into the communication hub unit and comprises an LCD portrait screen at Telephone Call Box outside 92 Victoria Street, London SW1E 5JL in accordance with the terms of the application, Ref 24/0425/ADV, dated 5 July 2024. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the additional conditions set out in the attached Schedule.

Background and Preliminary Matters

3. The Council granted planning permission subject to several conditions for the development that is the subject of Appeal A. Express advertisement consent was refused by the Council for the development described under Appeal B. The development subject to both appeals relate to the same appeal site and a communications hub.
4. The appellant says that conditions 2 to 8 on Appeal A do not satisfy the 'necessary' test, as they relate to the display of an advertisement and are not applicable to a grant of planning permission. They also say that condition 12 on Appeal A is not 'reasonable' given that the development would replace a telephone kiosk that has been in situ since 2013 after a grant of planning permission. Thus, the appellant seeks to remove these planning conditions.
5. I have taken the description of development set out above in relation to Appeal B from part E of the appeal form, as it better reflects the proposal that is before me.

Main Issues

6. The main issue in Appeal A is whether the disputed conditions are necessary, relevant to planning, relevant to the development to be permitted, and/or reasonable, having regard to the amenity of the area and public safety. The main issue in Appeal B is the effect of the proposed advertisement on visual amenity with regard to the Westminster Cathedral Conservation Area ("CA") and the Grade I listed building of Westminster Cathedral.

Reasons

7. The appeal site lies within the pavement on the north side of Victoria Street. The site is currently occupied with a public call box comprising a three-sided enclosed

structure. An existing LED illumination advert measuring 1800mm by 1300mm is on the western side of the unit. Street furniture is limited in the locality but includes street lighting columns, traffic lights, road signs, litter bins and cycle stands. The surrounding streetscape is commercial in character, with shopfronts at the ground floor level of the surrounding buildings, with full-height glazing with window displays and illuminated advertisements.

8. The Grade I listed building of Westminster Cathedral is set back from Victoria Street to the south of the appeal site. The Cathedral is a grand structure built between 1895-1903 with striking red brick and Portland stone banding, which is in contrast to the post-war buildings along Victoria Street. The Cathedral is Free-Byzantine in style, and it features a tall campanile set behind a public square to form a ceremonial entrance space off Victoria Street. The Cathedral holds architectural and historic significance, and the Cathedral Piazza provides a clear open view of the Cathedral. However, the scale, massing and extent of the buildings lining Victoria Street on either side of the Piazza limit the Cathedral's setting to the gap between them and the immediate approach to that gap. It is, nonetheless, an important view. The proximity, scale and massing of buildings around the other sides of the Cathedral mean that its setting becomes more enclosed and devoid of commercial premises.
9. The appeal site lies to the north of the CA. The Cathedral is the centrepiece of the CA, and it, together with the related buildings to the south and the Piazza, provides a break in the busy commercial character of this part of Victoria Street. The wider part of the CA is characterised by a range of large-scale, high-quality mansion blocks, most in red brick. This area is quieter and residential in character compared to the busy commercial character of Victoria Street.
10. I have, in respect of Appeal A, considered the statutory duties set out in sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) ("the Act"), but insofar as Appeal B is concerned, I have considered s72(1) of the Act in relation to 'amenity' but not s66(1) of the Act, as that only applies to the grant of planning permission. I have, nevertheless, had regard to Westminster Cathedral in my consideration of 'amenity' on Appeal B.

Appeal A

11. Conditions 2 to 8 relate to the advertisements governed by the Regulations rather than the Act, which are the subject of Appeal B. As such, they are not 'necessary' to make the communications hub acceptable in planning terms. Further, the conditions seek to control matters that can be controlled through the Regulations i.e. advertisement consent, and thus the conditions do not satisfy the 'relevant to planning' test. The conditions do not also satisfy the test of being 'relevant to the development to be permitted' as there is no direct advertisement effect arising from the communications hub on its own. And lastly, the conditions are not 'reasonable in all other respects' as they place additional disproportionate burdens on the appellant i.e. adhere to something that they do not need to do in respect of the hub. Moreover, the Council's concerns relate to the adverts, not the hub itself.
12. The communications hub granted planning permission is different in its design and size; however, the application made to the Council sought permanent planning permission to replace the existing kiosk which has been present since 2013 following a grant of planning permission.
13. The existing kiosk has been part of the area's character and appearance for

around 12 years. The new communications hub would be similar in terms of its size, design and purpose, and it would reflect the area's context. The hub would also not obstruct pedestrians, and it could be removed quickly. Due to the commercial character of Victoria Street and the siting of the hub on the northern side of the road next to a pedestrian crossing, there would be a neutral effect on the setting and thus significance of the Cathedral and the CA. Thus, the proposal would preserve those heritage assets.

14. For these reasons, I do not consider a trial run necessary to determine if the development's effect is reasonable and appropriate. The planning circumstances are also unlikely to change by the end of the temporary period given that the development plan period extends up to 2040 and the size, design and purpose of the communications hub will remain the same.
15. For these reasons, while the planning permission granted by the Council would be a material consideration in the assessment of any future application, I conclude that conditions 2 to 8 and 12 are not necessary, relevant to planning, relevant to the development to be permitted, and reasonable. There would be no conflict, where relevant, with Policies 24, 25, 38, 39, and 43 of the City Plan 2019 – 2040 ("City Plan"). These policies, among other things, seek development to contribute to a well-designed, safe, attractive, clutter-free public realm with use of high quality and durable materials capable of easy maintenance and cleaning, and the integration of high-quality soft landscaping as part of the streetscape design.

Appeal B

16. Victoria Street contains a range of advertisements relating to the commercial premises that line the road or are situated off it.
17. The larger of the two internally illuminated LCD screens proposed would be broadly of a similar size (slightly taller but narrower) to the existing LED illuminated display and orientated in the same direction. The smaller advert would be an extra display in the area, but it would be of a modest size and sited near to commercial premises. The adverts would chiefly be viewed along the Victoria Street corridor rather than in conjunction with the Cathedral.
18. However, that experience would not be universal, as the adverts would lie adjacent to the northern boundary of the CA and near to the Piazza leading up to the Cathedral. On approach from Cardinal Place to the south, the smaller display would be viewed in conjunction with the gap in the building along Victoria Street, the Piazza and the Cathedral. The larger display would be viewed against the backdrop of the Piazza and part of the Cathedral if people travel from west to east.
19. Nevertheless, they would be found within a busy commercial environment containing numerous shop fronts that display advertisements of different sizes, some of which are illuminated. Furthermore, the larger display would replace an existing LED advert. However, given their proximity to the CA, the Cathedral and the Piazza, which enables people to experience and understand the significance of the Cathedral and the public space in front of it, controls are necessary to ensure that they do not adversely affect amenity. Planning conditions are therefore necessary in respect of the adverts' maximum luminance, the nature and frequency of their displays and the rate at which displays change. On this basis, the proposed advert would not harm the visual amenity of the area.

20. Although an appeal may have been dismissed for a proposal seeking advertisement consent nearby, I do not have any details of that scheme before me, but if that site were further to the east along Victoria Street, it could potentially lie in a more central position within the gap in the buildings leading up to the Piazza. I also do not know if that scheme would have been a new advertising display or whether it would have replaced an existing advert like in this case. Hence, this nearby scheme does not alter my judgement about the proposed advert's effect on the heritage assets as part of my assessment of amenity.
21. For these reasons, I conclude that the proposed advertisements subject of Appeal B would not harm the visual amenity of the area with regard to the CA and Westminster Cathedral. Having regard to the policies cited, I consider City Plan Policies 38, 39, 40 and 43(G) to be material in this case, and I find that the proposal would accord with them. Jointly they seek advertisements to make a positive contribution to amenity by being sensitively designed in terms of their size, location and degree of illumination and their impact on local context, street scene and wider townscape, including Westminster's historic environment. The proposal would also accord with s72(1) of the Act as the adverts would preserve the CA.

Conditions

22. It is not necessary to impose any additional planning conditions in respect of Appeal A. However, the planning permission granted by the Council will need to be read alongside this decision in terms of which conditions now remain.
23. In respect of Appeal B, conditions are necessary in the interests of amenity, including the CA and the Cathedral, in terms of the advert's luminance, the nature of the displays, and the frequency at which they are changed.

Conclusions

24. For these reasons, I conclude that Appeals A and B should be allowed.

Andrew McGlone

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The permitted maximum luminance of the two digital display screens shall not exceed the level of 600cd/m² if the illuminated area is less than 10m², if larger its 300cd/m²; during hours of darkness and all specifications shall be in accordance with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05 (PLG05): The Brightness of Illuminated Advertisements'.
- 2) The illumination and advertisement/displayed image shall not be intermittent or flashing, not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements), not incorporate changing light patterns, and shall show two dimensional images only. (Please note the illumination of the proposed Hubs will need to adhere to limits of luminance, illuminance and intensity as advised in PLG05 [see Section 5 of Limiting the luminance of illuminated advertisements], and Guidance Note 01: The Reduction of Obtrusive Light).
- 3) No content on the digital display screens shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.
- 4) There shall be no audio associated with the advertisements.
- 5) Messages relating to the same product shall not be sequenced.
- 6) The advertisements displayed on each panel shall not change more frequently than once every 15 seconds and the interval between each piece of content on the digital display screens shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.

END OF SCHEDULE