
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: 17 September 2025

Appeal A Ref: APP/K5030/W/25/3359156

Pavement outside East Side of Aldgate House, 33 Aldgate High Street, London EC3N 1AH

- 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 24/00771/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/25/3359157

Pavement outside East Side of Aldgate House, 33 Aldgate High Street, London EC3N 1AH

- 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 24/00772/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 is allowed, and planning permission is granted for Installation of a telecommunications kiosk with two integrated digital advertising screens on pavement outside east side of Aldgate House, 33 Aldgate High Street, London EC3N 1AH in accordance with the terms of the application, Ref 24/00771/FULL, and the plans submitted with it, subject to the conditions set out in the schedule attached to this decision.
2. Appeal B is allowed, and express consent is granted for the Installation and display of two digital advertising screens, each measuring 0.93m wide by 1.66m tall, to telecommunications kiosk as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out in the schedule attached to this decision.

Procedural Matters

3. 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.

4. 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.
5. The decision notices cite policies contained within 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 the relevant policies weight as material considerations insofar as they are consistent with the National Planning Policy Framework (the Framework).
6. Regulations to control advertisements may be exercised only in the interests of amenity and public safety. Although the reason for refusal for Appeal B refers to Policies contained within the City of London Local Plan, 2015 (CLLP), the CP and the London Plan, 2021 (LP), these are material considerations rather than being decisive in the determination of Appeal B.
7. Given the appeal site's proximity to nearby listed buildings, its location is considered to fall within the wider setting of such listed buildings. These are No 48 and 49 Aldgate High Street (Grade II Listed) and 46 and 47 Aldgate High Street (Grade II* Listed). I therefore have a duty under Section S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I have also had regard to paragraph 212 of the Framework which explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In advertisement appeals this is only relevant in so far as it relates to amenity.

Main Issues

8. 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, including whether it would preserve the setting of the listed buildings, 48 and 49 Aldgate High Street (Grade II Listed) and 46 and 47 Aldgate High Street (Grade II* Listed).
9. 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

10. The appeal site relates to the public footpath to the east side of 33 Aldgate High Street on St Botolph Street. This location has other items of street furniture, including street trees and signposts. The pavement in this area is very wide and bends around to the west along St Botolph Street. The street trees are located fairly centrally in a linear arrangement north to south and the signposts are located further east being closer to the front of the pavement and near the main road.
11. 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 north and south. 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.

12. The proposed development would be positioned in a prominent location at the front of the pavement, next to the highway and close to the bend in the road. It would be readily visible from a number of public viewpoints. Although it is recognised that other street furniture exists nearby, I found the area to be one which is very spacious and generally uncluttered as well as being commercial in character.
13. The overall size and scale of the proposed development along with its design and positioning is such where it would continue to be read in a spacious and commercial environment. It would not stand out as a visually intrusive feature in this setting nor lead to a plethora of street furniture in the area. Whilst the proposed advertisement would be internally illuminated which would increase its overall visual prominence, I cannot agree that the proposed development would detract from the locations generally uncluttered appearance. This is because a great deal of space would remain between the proposed development and other street furniture and thus its presence would still be read as part of an uncluttered location. Further, the levels of luminance and display of content can be conditioned to ensure levels comply with the relevant guidance relating to advertisements. This will ensure the illumination is not excessive.
14. I appreciate the Council's concerns regarding the proposals causing a visibility obstruction and its effect on the ability to appreciate and understand the immediate and wider townscape. However, the overall size and scale of the proposals along with its design and positioning in this specific context would not lead to a visual obstruction given the level of space surrounding the development where it would not totally impede visibility. I have had due regard to the bend in the street but find that there would still be sufficient visibility available for pedestrians and motorists travelling in the adjacent lane.
15. I also appreciate concerns regarding the setting of the listed buildings clustered on the south side of Aldgate which are designated for their special architectural and historic interest. To this end, I have had due regard to the listing descriptions where 48 and 49 provides the following description, mid C18. 4 storeys plus hipped, tiled mansard. 2 windows. Yellow brick with red dressings. Moulded dentil cornice and parapet. Shop to whole of ground storey. Metal straps. No 46 provides the following description, probably late C17, altered. 3 storeys plus another in tiled roof. Modern ground storey with pentice roof. Rendered upper part with pairs of sashes to shallow bay window running through 2 storeys and hipped attic above. Return, with paired windows, and part of rear entirely modern. Weatherboarded, gabled rear wing. No 47 provides the following description, probably late C17. Timber framed building of similar appearance to No 46. Ground storey with sash window flanked by doorway under pentice roof - partly old. 2 carved posts at

entrance perhaps C17. Large, irregular rear wing, partly rendered and partly boarded. Nos 46 and 47 belong to a type of building once common in London but now very rare.

16. It is clear that the listed buildings significance is derived from their special architectural and historic interest. I observed these buildings as part of my site visit where certain features of the historic buildings are visible within the street scene. The immediate area and public footways surrounding the buildings contribute to their significance by allowing the significance of the listed buildings to be appreciated within its surrounding context. To this end, I observed that the buildings are viewed in a very urban environment where there are other large scale developments.
17. There is a good separation distance from the appeal site and the listed buildings further south which are also located on the opposite side of the road separated by a pedestrianised crossing. Views of the listed buildings are somewhat limited when approaching from the north around the bend. This is largely due to separation distances, alignment of the streets/desire lines in relation to the buildings themselves and other features in the area including road signs, traffic lights and the street trees which already screen views. This would be exacerbated when the street trees are in leaf. The positioning of the structure close to the road along with its scale and appearance would make very minimal difference to any views of the listed buildings and would not totally impede them. An observer would continue to be able to appreciate and understand the immediate and wider townscape in a similar way as they do currently. The proposed development would not therefore have any adverse effect on the setting or significance of the listed buildings or surrounding townscape. Its effect would therefore be neutral.
18. For the above reasons, I conclude that the proposed development would not unacceptably harm the character and appearance of the surrounding area. It would also preserve the setting of the listed buildings. Appeal A would therefore accord with Policies CS2, CS10, CS12, DM10.4, DM10.6, and DM12.1 of the CLLP, Policies DE6 and HE1 of the CP and Policy D8 of the LP. Together, such policies amongst other matters, explain that development proposals should ensure 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.
19. Given my findings above, it is concluded that Appeal B would also not harm the amenity of the area and would accord with Policies CS10, DM10.6, CS12 and DM12.1 of the CLLP, Policies DE6 and HE1 of the CP and Policy D8 of the LP. 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.

Conditions

20. I have considered the Council's suggested planning conditions in light of the Framework and Planning Practice Guidance. As a result, I have amended these where necessary for clarity. In terms of Appeal A, the standard time for commencement of development is necessary as well as a plans condition in the interests of certainty. A condition requiring the removal of the telephone kiosk within three months of the date it ceases to be used is necessary to ensure that

redundant telecommunication infrastructure is removed when it is no longer required. Conditions relating to the installation and maintenance of the proposals as well as the parking and stopping of vehicles associated with the works are necessary in the interests of visual amenity/public safety and to avoid blocking the roads.

21. In terms of Appeal B, conditions relating to the illumination, display, content, sequencing, timings and event of a malfunction are necessary to protect the visual amenity of the area and in the interests of public safety. A condition relating to audio is necessary to protect the amenity of the area. The Council has suggested a number of conditions which reflect the five standard conditions set out in the Regulations which the decision is already subject to. I do not therefore find it necessary to include these. The Council has also suggested a condition relating to the time frame for displaying the advertisement. However, the consent subject to Appeal B is for five years from the date of this decision as set out within the terms of my decision. All consents are automatically given for 5 years, unless specifically stated - Regulation 14(7)(b). There is no evidence before me to suggest a different timeframe and thus I do not find the suggested condition to be necessary or reasonable and I have omitted this. After 5 years, the advertisement can continue to be lawfully displayed as it will have the benefit of deemed consent under Class 14 of Schedule 3 of the Regulations. An advertisement with deemed consent can only be removed if discontinuance action is taken by the local planning authority.

Conclusion

22. For the reasons given above, and taking into account all matters raised, Appeal A, and Appeal B are allowed.

N Teasdale

INSPECTOR

SCHEDULE OF CONDITIONS

Appeal A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:

Site Location Plan Drawing No City-AHS/2024/01 Rev A

Proposed Site Plan Drawing No City-AHS/2024/03 Rev A

Proposed Elevations/Technical Specification Drawing No City-AHS/2024/04 Rev A

Proposed Illustration Drawing No City-AHS/2024/06 Rev A

- 3) The telephone kiosk hereby permitted shall be removed from the land on which it is situated within three months of the date it ceases to be used for telecommunication purposes and the land made good to the same condition as the adjacent land.
- 4) The footway and carriageway of the concerned public highway must not be blocked during the installation and maintenance of the proposal. Temporary obstruction during the installation / maintenance must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrian or obstruct the flow of traffic.
- 5) The proposed Pulse Smart Hub shall be maintained in a condition that does not impair the visual amenity of the site.
- 6) All vehicles associated with the works must only park / stop at permitted locations and within the time periods permitted by existing on-street restrictions.

End of schedule

Appeal B

- 1) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than within that recommended by the Institute of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide).
- 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.
- 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) 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 10 seconds.
- 7) 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

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/K5030/W/25/3359156	Urban Innovation Company (UIC) Ltd
Appeal B	APP/K5030/H/25/3359157	Urban Innovation Company (UIC) Ltd