



Appeal Decision

Site visit made on 23 September 2025

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2025

Appeal Ref: APP/X5990/Z/25/3370023

20 John Prince's Street, City of Westminster, London W1G 0BJ

- 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 Mr Sam Dayeh of London Lites Ltd against the decision of the City of Westminster Council.
 - The application Ref is 24/08000/ADV.
 - The advertisement proposed is the display of internally illuminated digital screen measuring 5.8m x 2.8m with subtle motion.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following an earlier appeal decision¹ that was allowed, advertisement consent has already been granted for an internally illuminated digital display sign at the appeal site in the same location and size the subject of this appeal. However, it was conditioned to not have any moving elements, dynamic displays, or motion pictures. The proposal seeks to use the digital display for subtle motion advertising. The presence of the digital display and its existing consent is an important material consideration, as a result I have limited my assessment to the change relating to the effects of the proposed subtle motion digital display only.
3. The Council's reason for refusal refers to development plan policies. However, the 2007 Regulations require that decisions are made only in the interests of amenity and public safety, as appropriate to each case. Therefore, although I have taken the development plan policies and the National Planning Policy Framework (the Framework) into account, they have not been decisive considerations in my determination of that appeal.
4. The Council has advised that it referred to Policy TRANS2 of its UPD in its notice of decision by error, and that policy has been superseded. The Council has said it should instead have referred to Policies 24 and 28 of the City of Westminster, City Plan 2019 – 2040, adopted April 2021 (CP). Copies of CP Policies 24 and 28 have been provided with the Questionnaire and the appellant has had the opportunity to comment on them through the appeal process. The appeal has been determined on this basis, and there would be no unfairness by this course of action.

¹ Ref: APP/X5990/Z/22/3296474

5. The Council has advised that its draft City Plan Partial Review (CPPR) is currently being examined, which it says attracts limited weight at this stage. I have not been made aware of any policies of the CPPR that are relevant to the appeal proposal. Consequently, I have determined the appeal on this basis.

Main Issues

6. The main issues are the effect of the proposed advertisement on public safety and visual amenity.

Reasons

Public safety

7. The digital display is positioned at a raised level on a splayed corner of a building that occupies a location between Oxford Street and Holles Street. Due to the angled position, it would mostly be seen by drivers from Harewood Place (which is a one-way road) when travelling in a direction towards Holles Street, and by drivers travelling along Oxford Street towards Oxford Circus. The junction between these roads is directly in front of the appeal site and is controlled by traffic lights with pedestrian crossing points on all sides. Oxford Street (also part of the A40) is a low-speed area (20 mph) and is restricted to cycles, buses and taxis from 07:00-19:00 Monday to Saturday. I also saw that the immediate area was busy with both pedestrians and cyclists.
8. The appellant has suggested a condition to control the form of subtle motion advertising, limiting it to slow moving animation suggested to be no more than 0.5 normal motion. I share the Council's concern that the appellant's suggested condition is not precise or enforceable. Normal motion is not defined, nor have I been made aware of any quantifiable way of measuring it. Moreover, if a recorded animation were to have a notably fast frame rate, playing that same animation back at half speed could also appear considerably fast and not necessarily subtle. Similarly references to slow-moving, subtle, gentle, minimal and understated, are highly subjective, and not precise. In the absence of any other suggested way of limiting subtle or slow-moving imagery, I am not certain that a condition could properly ensure that all imagery were to be truly slow motion or subtle as suggested by the appellant. I have therefore assessed the effects of the proposal based on there being no means by condition of restricting the speed of the motion within the digital display, which could potentially contain significantly fast motion.
9. On the approach to the junction from Harewood Place, the digital display is at points partly obscured by the buildings to the right-hand side. It is also likely to be seen within, or very near to the eyeline of the traffic lights on the right-hand side of this approach, and the moving imagery would likely be a significant distraction to drivers approaching the junction, whose attention towards the signage, which is aimed at both obtaining and retaining their attention, could take it away from the road, and reduce the awareness of traffic signs and other highway users, including cyclists and pedestrians. Moreover, on approaching the junction, seeing only part of the moving imagery, would also add to the distraction and highway safety risks for drivers.
10. I saw the approach to the appeal site on Oxford Street (towards Oxford Circus), was busy with constant traffic, including cyclists, and persistent demand for

pedestrians to cross at all sides of the junction. Notwithstanding the low speed of traffic, given my site observations I was not convinced it would have a low cognitive demand for all drivers. Furthermore, on the approach to the junction, it is likely that the digital display at some points would be within or near to the eyeline of the traffic lights. As a result, moving imagery would likely cause a significant distraction to drivers on this approach, and aim to retain their attention, away from other competing highway demands, including the movement of cyclists, pedestrians and the traffic lights.

11. Even considering the other advertisements and signage in the immediate locality, which is mostly static and at ground floor level, they do not alter my opinion of there being harm to highway safety from the proposal.
12. It has been said the part of Oxford Street nearest to the appeal site is proposed to be pedestrianised. Whether this be so, I have not been provided with an exact date when this will occur or any details on how this would affect traffic on Harewood Place. I have therefore assessed the proposal based on the existing use.
13. It has been stated that there have been no accidents reported during a short period since the current digital display has been installed (measured across two and a half weeks). However, this is a short timeframe to draw any affirmative conclusions, moreover it is not necessarily a strong indication of how moving imagery would affect drivers and highway safety near to the appeal site. Whilst data presented from the appellant that full motion advertisements have not caused increases in accident data from other sites, including a raised level display at Picadilly Circus, which I have no reason to dispute, I cannot be certain that these same conclusions would be applicable to the appeal site based on my own site observations.
14. The pavements in the immediate area are wide, and although well-used by pedestrians, the display of imagery on the proposed digital displays would unlikely be harmful to pedestrian safety or movements along the nearby pavements.
15. The appellant has drawn my attention to numerous examples of full motion advertising along Oxford Street, including behind windows; on a large digital display; on parts of shopfronts; at first floor level behind windows; and within buildings. The appellant also referred to the presence of high-level Christmas decorations and advertising on vehicles. I have carefully considered these examples, but their sizes, locations and positions, are different to the raised, fixed, and splayed corner location of the appeal proposal, that faces directly towards a road junction. For similar reasons I did not find the proposal to be directly comparable to high level temporary Christmas decorations or advertising on vehicles, nor was it clear that they would have the same likely effects on highway safety. Consequently, these examples and arguments have not altered my findings.
16. My attention has also been drawn to three appeal decisions that were allowed for full motion displays at; North John Street, Liverpool ²; 121 City Road, Hackney³; and 19A Borough High Street, London⁴. The road layout and context in all three

² Ref: APP/Z4310/Z/23/3326278

³ Ref: APP/U5360/Z/24/3350756

⁴ Ref: APP/A5840/Z/24/3342902

of these appeals are different to that at the appeal site, nor are they near to it, therefore the findings in those appeals are not directly comparable to this appeal. In the 121 City Road appeal, which sought to use an existing digital display for full motion displays, it was said by the Inspector in that case, that it would be unlikely to be in the eyeline of road users when navigating the junction, unlike my findings on this appeal. In terms of the North John Street decision, the Inspector said the proposal would not be unduly distracting, which differs from my findings on this appeal, and although there are some similarities to the appeal scheme, I am not persuaded that the findings in that case can be equally applied to the appeal before me. The Inspector on the appeal at Borough High Street said that the highway network requires alertness from all users and was not convinced that a motion sign would lead to distraction and be a public safety concern. However, due to my findings above, I have reached a different conclusion on this appeal. These decisions have not led me to conclude differently regarding the public safety effects of the proposal.

17. I therefore conclude that the proposed digital display with moving animation and imagery would be harmful to public safety. Although not determinative there would also be conflict with CP Policies 25 and 43 that seek to ensure a safe environment for cyclists and improve the pedestrian environment and that signs should make a positive contribution to public safety. In addition, the dismissal of the appeal for this reason would also be consistent with paragraph 116 of the Framework that says development can be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
18. The Council referred to conflict with CP Policies 24 and 28. Policy CP24 was mainly focussed on sustainable transport measures, and Policy 28 related to accesses to the highway and their management. As such I did not find these policies to be directly applicable to this main issue.

Amenity

19. The inclusion of -moving images in the consented advertisement screen would likely have limited effect on the character and appearance of the area, particularly against the background of other commercial signage and corporate logos that would be widely expected to be seen in such a busy shopping location. Even considering its raised position above shop level and most other signage, it is unlikely that the moving imagery would materially change the visual effects of the screen on the character and appearance of the area. In making this assessment I have had regard to the practical difficulties of the suggested condition relating to subtle motion, and in the event, it was a full motion digital display, I am also not convinced that there would be harmful visual amenity impacts.
20. There is a grade ii star listed structure, known as the Winged Figure sculpture at mid-height on the side of the John Lewis department store facing onto Holles Street, on the opposite corner of the junction in front of the appeal site. It is said to be a sculpture of high artistic and aesthetic quality, possessing beauty in its sense of fluid movement and dynamic spatial expression. As such the duty within Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies in respect of the desirability of preserving the listed building and its setting. In view of the intervening road and separation distance, diagonal frontage of the appeal site and its much different orientation, there would be limited views of the listed building and the appeal site together. Moreover, the proposed changes to

how advertisements could be displayed would not have any greater effect upon its setting or how it is experienced, and as a result I regard the effect on its setting to be neutral. The Council made reference to the setting of another listed building; 1 and 2 John Prince's Street, but that building is a considerable distance from the appeal site, and views of it and the proposed subtle motion display are restricted by existing buildings and street trees, consequently I did not regard the proposal to have any effect upon the setting of that building.

21. The host building is not within a conservation area. However, it is very near to three conservation areas; Regent Street Conservation Area; Harley Street Conservation Area; and Mayfair Conservation Area. Paragraph 219 of the Framework says that opportunities should be taken for development within the setting of heritage assets, to enhance or better reveal their significance, and to preserve those elements of the setting that make a positive contribution to the asset. The appeal site is closest to Harley Street and Mayfair Conservation Areas, however given the commercial nature of this immediate area and the existing digital display, the proposed use of motion within it would have neutral effect upon the setting of these heritage assets, including views from Hanover Square given its distance and the alignment of Harewood Place. In view of the appeal site's distance to the boundary of the Regent Street Conservation Area along with the nearby commercial uses, active frontages and signage, the proposal would not harm the setting of that heritage asset.
22. Notwithstanding my findings regarding the visual amenity impacts, they do not outweigh the harm identified above in terms of public safety.
23. I therefore conclude that the proposed advertisement would not be harmful to visual amenity. Although not determinative, the proposed advertisement would also comply with the relevant parts of CP Policies 38,39 and 43 that amongst other things, require heritage assets and their settings are conserved and that development positively contributes to Westminster's townscape and streetscape, and that signs make a positive contribution to amenity.

Other Matters

24. I acknowledge the benefits put forward by the appellant. However, as the powers to control advertisements under the 2007 Regulations may only be exercised in the interests of amenity and public safety, these matters do not fall within the scope of my consideration.
25. The comments made by the appellant regarding the Council's handling of the application are noted, however, they are matters between the respective parties.

Conclusion

26. For the reasons given above, I conclude that the display of the advertisement would be detrimental to public safety, and the appeal should be dismissed.

A Hunter

INSPECTOR