



Appeal Decision

Site visit made on 7 October 2025

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2025

Appeal Ref: APP/X5990/Z/25/3367727

58 Buckingham Gate, City of Westminster, London SW1E 6AJ

- 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 Dukes Education Group Limited against the decision of the City of Westminster Council.
 - The application Ref is 25/02303/ADV.
 - The advertisement proposed is the installation of one non-illuminated flag measuring 2.4m x 1.5m on an existing flagpole.
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Decision

1. The appeal is allowed and express consent is granted for the installation of one non-illuminated flag measuring 2.4m x 1.5m on an existing flagpole at 58 Buckingham Gate, City of Westminster, London SW1E 6AJ in accordance with the terms of the application, Ref 25/02320/ADV. 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.

Preliminary Matters and Main Issue

2. In accordance with the Regulations and the National Planning Policy Framework (the Framework), advertisements should be subject to control only in the interests of amenity and public safety. Furthermore, any relevant policies within the development plan are not, by themselves, determinative in this appeal.
3. As a listed building is located opposite the site, I have had regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act) in so far as it relates to consideration of the effect of the proposal on factors relevant to amenity. As per the Regulations, these factors include the general characteristics of the locality such as the presence of any feature of historic, architectural, cultural or similar interest.
4. The appeal site is located close to the boundaries of the Birdcage Walk Conservation Area (BWCA) and the Broadway and Christchurch Gardens Conservation Area (BCGCA). The Council refers to the advertisement failing to maintain or improve the character and appearance of the setting of the BWCA on the decision notice. However, in respect to advertisement appeals, the statutory duty at section 72(1) of the Act applies to the consideration of amenity within a conservation area. It does not apply to its setting. Nonetheless, given the close proximity of both these conservation areas to the appeal site, they form part of its locality and, therefore, their general characteristics are relevant to amenity in accordance with the Regulations.

5. Consequently, the main issue is the effect of the proposal on the amenity of the area, including the setting of the Grade I listed building known as the Bluecoat School (National Trust)¹.

Reasons

6. The appeal site comprises a five-storey red brick building currently in commercial use. It is located within a mixed-use area, comprising a variety of built form heights, massing, ages, materials and architectural features. These uses and variety of built form are also evident in both conservation areas, albeit to a differing degree. A painted white flag pole is centrally located at first floor level, attached to the appeal property above an ornate portico containing an embossed crowned portcullis. Given its position orientated towards the inner radius of the bend in Buckingham Gate, any views of the appeal property within the vistas along the street are predominantly at an oblique angle. This includes from locations within the BWCA, although such views are not identified as important within the BWCA Audit².
7. Buildings on either side of the site are generally taller, with facades sited closer to the pavement than the appeal property, further limiting the places from where the building, particularly its front elevation, can be seen. During my site visit I observed several other flag poles, the majority of which were adorned with flags, attached to buildings in views from the appeal property as well as those from within the BWCA and BCGCA. Whilst most were flags of nations with particular links to the use of their host properties, I also observed branded flags on buildings within the surrounding area, including 59 Buckingham Gate immediately adjacent to the site. Therefore, the presence of flags, including those with a commercial function, is not an incongruous feature of the area either close to the appeal site or within the wider surroundings.
8. The design of the proposed flag is simple, with a gold-coloured motif set against a solid purple background. Whilst the motif replicates the appellant's company logo, no lettering on the flag is proposed. As such, due to the simplicity of its design and colour, its function as an advertisement or to readily identify a particular brand, is subtle. Furthermore, its size is comparable to other flags I observed elsewhere in the surrounding area. Consequently, it would not obscure the façade of the appeal property, or those within vistas along the road, thereby avoiding one of the adverse effects flags can have on an area, as highlighted in the Framework.
9. On the opposite side of Buckingham Gate, close to the outer radius of the bend in the road, is the Grade I Bluecoat School. Built in 1709, it comprises a detached three-storey building constructed from brown bricks with red dressings. It sits at the corner of Buckingham Gate and Caxton Street, with the main entrance porch supported by Doric pilasters and the statue of a Blue Coat Scholar above, addressing the latter road. With the exception of the entrance and clock on the front elevation, the remaining sides of the building have a similar simple yet dignified composition as the façade, including two tiers of square headed sash windows across three bays, the middle of which is set slightly forward.
10. Being surrounded by a paved area containing several mature trees provides a breathing space to the listed building, despite the BCGCA Audit³ describing it as

¹ List Entry Number: 1210081, date first listed 15 May 1954 and amended 1 December 1987

² Adopted Supplementary Planning Document, dated 16 June 2008

³ Adopted Supplementary Planning Document, dated 7 July 2008

being marooned in a courtyard. Its position relative to the bend punctuates vistas along Buckingham Gate. Together with its modest size and detached form, the space around the Bluecoat School clearly differentiates the building from its more modern surroundings which have changed significantly since it was constructed. Therefore, the special interest of the Bluecoat School, insofar is relevant to this appeal, relates to its age and the quality of its architectural features and materials. The prominent siting of the heritage asset together with the space around it, make a positive contribution to the setting of the listed building within an area where the evolution of the City of Westminster is legible.

11. Given the angled relationship of the appeal property to the Bluecoat School, the listed building's siting relative to the road and surrounded by paving, together with the visibility of other flags in the same views as it, the proposal would preserve the contribution the heritage asset's setting makes to its special interest. Due to the prevalence of flags within views into and out from the nearby conservation areas and the subtlety of its design ensures the proposal would preserve the setting of the BWCA and BCGCA..
12. Although my attention has been drawn to the refusal of commercial flags on the nearby St James Court, no details of this application are before me. In any event, as this property is located within the BWCA, the statutory duty at section 72(1) of the Act applies, resulting in materially different circumstances than the scheme before me. The previous unconsented use of the flagpole by a hair salon school is also not a matter for this decision.
13. I conclude that the proposal would not harm the amenity of the area, including the setting of the Grade I listed building known as the Bluecoat School, and accords with the Regulations. Insofar as they seek to protect amenity and the local character of an area, the proposals comply with policies 38, 39 and 43 of the City of Westminster City Plan 2019-2040.

Conclusion

14. For the reasons given above the appeal should be allowed.

Juliet Rogers

INSPECTOR