



Appeal Decisions

Site visit made on 11 November 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

Appeal A Ref: APP/K5600/W/25/3371814

Pavement North Side of Kensington High Street, Outside Troy Court / Post Office, London W8 7RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by BT Telecommunications PLC against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref is PP/25/01372.
 - The development proposed is the removal of an existing InLink Unit, and the deployment of a replacement Street Hub 3 unit .
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Appeal B Ref: APP/K5600/H/25/3371816

Pavement North Side of Kensington High Street, Outside Troy Court / Post Office, London W8 7RG

- 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 BT Telecommunications PLC against the decision of Royal Borough of Kensington and Chelsea.
 - The application Ref is CA/25/01373.
 - The advertisement proposed is removal of an existing InLink Unit, and the deployment of a replacement Street Hub 3 unit.
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Decision Appeal A

1. The appeal is allowed and planning permission is granted for the proposed removal of an existing InLink Unit, and the deployment of a replacement Street Hub 3 unit at Pavement North Side of Kensington High Street, Outside Troy Court / Post Office, London W8 7RG in accordance with the terms of the application, Ref PP/25/01372, subject to the conditions in the attached schedule.

Decision Appeal B

2. The appeal is allowed and express consent is granted for the proposed removal of an existing InLink Unit, and the deployment of a replacement Street Hub 3 unit at Pavement North Side of Kensington High Street, Outside Troy Court / Post Office, London W8 7RG in accordance with the terms of the application, Ref CA/25/01373. 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 in the attached schedule.

Preliminary Matters

3. There are two appeals on this site. Appeal A concerns the refusal of planning permission for the proposed Street Hub 3 unit, while Appeal B concerns the refusal

of express consent for digital advertisements on the same Street Hub 3 unit. I have considered each on its individual merits. As they raise similar issues, I have dealt with the two schemes together, except where otherwise indicated, to avoid duplication.

4. In respect of Appeal B, the Regulations and the National Planning Policy Framework both make it clear that advertisements should be subject to control in the interests of amenity and public safety, taking into account cumulative impacts. Therefore, while I have taken relevant policies of the Royal Borough of Kensington and Chelsea New Local Plan Review July 2024 (LP) into account as a material consideration, they have not been determinative.
5. The descriptions of development used in the headings above have been taken from the application forms. In determining the application associated with Appeal B, the Council amended the description of development. However, whilst the amended description describes the proposed advertisements in more detail, I can see no evidence that the appellant formally agreed to it being changed. Noting this and that the original description is not incorrect, I have used the original description in my decision.

Main Issues

6. The main issues are:

In Appeal A, the effect of the proposal on:

- the character and appearance of the area, including the Kensington Conservation Area (CA); and
- the living conditions of occupiers of Troy Court.

In Appeal B,

- the effect of the proposed advertisements on the character and appearance of the area, including the CA.

Reasons

Character and appearance

7. The appeal site currently accommodates an existing 'BT InLink Unit' hub and is located within the CA. The surrounding area contains buildings of differing styles and heights, mostly with active frontages to the High Street incorporating a range of illuminated and non-illuminated signage which contribute to the retail character of the area. As well as being tree lined, the streetscape of Kensington High Street features various types of street furniture, including bus shelters and associated advertisements, lighting columns, traffic lights, wayfinding and post boxes.
8. The Kensington Conservation Area Appraisal 2017 outlines that the High Street contains almost uninterrupted shops from its east end to Troy Court at the west end of the conservation area, but the style and date of the buildings vary from the turn of the nineteenth century to the mansion blocks of the 1930s. I observed the significance of the CA derives, in part, from the historic legibility of the layout of the street patterns and hierarchy of streets, and range of buildings from differing periods and associated architecture.

9. The proposed replacement hub would be a freestanding, upright structure, similar to the existing hub it would replace. Whilst larger than the existing, and thereby featuring larger digital screens, its scale would not be incongruous in the street scene given the variety of other street furniture, and vertical emphasis provided by nearby streetlights, traffic signals and trees.
10. Additionally, it would not be significantly larger than the existing hub so as to result in any notable additional street clutter. The rather contemporary design would assimilate satisfactorily with its surroundings, reflecting the variety of colours and styles of some modern shopfronts and contemporary architecture in the area, notably that on the opposing side of the highway.
11. In respect of Appeal B, the proposal would incorporate digital displays on both sides of the hub. I observed a variety of advertisements near the appeal site including those that could be displayed on the existing hub, illuminated projecting advertisements at shopfronts as well as digital advertisements on other street furniture such as bus shelters.
12. As such, the inclusion of advertisement displays within the hub would not be unusual in this predominantly retail area and would not be out of scale with its surroundings. Furthermore, a degree of illumination of advertisements would normally be expected in retail areas and luminance levels can be controlled by conditions to ensure that they do not appear obtrusive in the street scene, particularly at times of darkness. As such, I do not find the proposal would be out of character and would preserve the significance of the CA.
13. Consequently, I conclude that the appeal proposals would not be harmful to the character and appearance of the area, including the CA and accords with LP policies CD1, CD2, CD4 and TR4. These policies seek, amongst other things, to achieve good design and high-quality streetscape, and preserve heritage assets.

Living conditions

14. Troy Court is located adjacent the appeal site and features commercial units on the ground floor, with residential apartments above where the existing hub is visible and illuminated with no current restriction on luminance levels. The proposal, as is the existing hub, would be seen in the context of illuminated shopfronts and advertisements as is expected from a vibrant shopping area such as this.
15. Nevertheless, whilst the proposal would result in larger screens, therefore larger area of possible luminance, a condition can be imposed on any associated advertisement consent to ensure that illumination levels do not result in significant light spill or other light nuisance in times of darkness. As such, and given other sources of illumination in the area, any advertisement would not appear visually obtrusive or result in light spill or any other harmful light disturbance when seen from overlooking windows of nearby residential apartments, including Troy Court.
16. Consequently, I conclude that the proposal would not harm the living conditions of occupiers of Troy Court and would accord with LP Policy CD9. This policy seeks, amongst other things, to ensure good living conditions for occupants of neighbouring buildings.

Conditions

17. In the event of the appeals being allowed, the Council has suggested conditions in relation to Appeal A, although no conditions have been suggested in relation to Appeal B. I am however aware of suggested conditions within the Council's Committee report to which I have had regard and, where necessary, amended wording with regard to the advice provided in the Planning Practice Guidance.
18. In relation to Appeal A, in addition to the standard time condition, it is necessary for a condition to confirm the approved plans in the interests of certainty. However, reference to an InLink Data Usage Letter and BT Street Hub Project Letter are not necessary as the plans provide sufficient clarity.
19. For Appeal B, in addition to the five standard conditions set out in the Regulations, conditions in relation to display time, traffic signs, interval and method of change between advertisements, and a mechanism in the event of malfunction are necessary in the interests of the visual amenity of the area, and to prevent undue distractions to drivers of vehicles in the interest of public safety.
20. In relation to illumination, the appellant's suggested condition states that the intensity of illumination should not exceed 600 candelas per square metre (cd/m^2) between dusk and dawn, whilst the Council's condition as stated on the Committee Report refers to an intensity of 280 cd/m^2 . The Institute of Lighting Professionals 'Professional Lighting Guide 05/23: The Brightness of Illuminated Advertisements including Digital Displays' (ILP), sets out that a level of 600 cd/m^2 is a suitable nighttime luminance, and I have not been directed to any development plan policy indicating that a lower level is necessary.
21. Given the proposal would be situated within a busy area where there are already illuminated advertisements, a condition restricting luminance to 600 cd/m^2 during dusk and dawn in combination with the requirement for a light sensor to adjust brightness to changes in ambient levels would be reasonable and necessary in the interests of amenity and public safety.

Conclusion

22. For the reasons given above, I conclude that Appeal A and Appeal B should be allowed.

S Harrington

INSPECTOR

Schedule

Conditions

Appeal A

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawings nos: 24006860_PLN_LOC_1.1; 24006860_PLN_EL_3.1; 24006860_PLN_SI_2.1.

Appeal B

- 1) The minimum display time for each advertisement shall be 10 seconds and there shall be no moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs of any kind before, during or after the display of any advertisement.
 - 2) The intensity of the illumination of the two digital display screens shall not exceed 600 candelas per square metre between dusk and dawn and the screens shall be fitted with a light sensor designed to adjust the brightness to changes in ambient light levels.
 - 3) The interval between the display of each advertisement shall be 10 seconds or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement.
 - 4) The advertising display panel shall have a default mechanism to freeze to a black screen in the event of any malfunction to avoid any flashing error messages or pixilation.
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**** End of Schedule ****