



Appeal Decisions

Site visit made on 13 November 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 December 2025

Appeal A Ref: APP/X5990/H/25/3371193

1 Bear Street, London WC2H 7AR

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against conditions imposed when granting express consent.
 - The appeal is made by SM Planning (Planning Agent) against the decision of City of Westminster Council.
 - The application Ref 25/02542/ADV was approved on 20 June 2025 and express consent was granted for the display of an advertisement subject to conditions.
 - The advertisement permitted is display of internally illuminated digital screen measuring 3.5m X 14m.
 - The condition in dispute is No 6, which states that:
The advertisement display shall only advertise theatre or cinema productions in the West End or partner events (Westminster, HOLBA, etc) in Leicester Square and the West End unless otherwise agreed in writing by the City Council as local planning authority.
 - The reason given for the condition is:
To protect the amenity of the area in accordance with Policy 43 of the City Plan 2019-2040 (April 2021).
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Appeal B Ref: APP/X5990/Z/25/3372338

1-4 Bear Street, London WC2H 7AR

- 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 SM Planning (Planning Agent) against the decision of City of Westminster Council.
 - The application Ref is 25/04505/ADV.
 - The advertisement proposed is display of externally illuminated advertisement panel measuring 2.85m high and 3.35m wide, 2.50m high and 2.60m wide and 2.60m high and 2.60m wide.
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Appeal A Decision

1. The appeal is allowed and the express consent Ref 25/02542/ADV, for display of internally illuminated digital screen measuring 3.5m X 14m, at 1 Bear Street, London WC2H 7AR, granted on 20 June 2025 by City of Westminster Council, is varied by deleting condition No 6.

Appeal B Decision

2. The appeal is dismissed.

Preliminary Matters

3. Both appeals relate to advertisements on the same new building, which remains under construction. Appeal A relates to a disputed condition attached to an express consent for an advertisement that has been granted by the Council and

was in situ at the time of my visit. Appeal B relates to advertisements subject to a separate application for express consent that was refused by the Council.

4. Due to the procedural differences between the appeals, the site addresses in the banner headings above are slightly different. Because it relates to a condition of an extant consent, the Appeal A address has been taken from the Council's decision notice. The Appeal B address has been taken from the original application form on the basis that this application was refused.
5. Although each appeal has been determined against its specific considerations, I have dealt with issues common to both appeals together in the interests of conciseness and to avoid duplication.
6. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations) and paragraph 141 of the National Planning Policy Framework (the Framework), make clear that advertisements should be subject to control only in the interests of amenity and public safety. I have approached the appeals on this basis.
7. The appeal site lies within the Leicester Square Conservation Area (the CA), a culturally and historically significant part of London's West End, internationally recognised as a centre for tourism, leisure and entertainment. The CA is characterised by its distinctive network of historic streets, landmark buildings and prominent public spaces, including Leicester Square itself, a major pedestrian destination. Its significance derives from the architectural quality of its built form and its long-standing association with global entertainment and the arts, particularly theatre and cinema.
8. On this basis, I have had special regard to the statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the CA.
9. I also note the proximity to the Grade II Listed building described as "*The London Hippodrome, Crown Public House and 7-10 Cranbourn Street*" (the LB). Although the statutory duty relating to listed buildings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply to advertisement applications and appeals under the Regulations, I have nevertheless had regard to the LB insofar as it is a material consideration relevant to the issue of amenity.

Main Issues

10. The main issue in Appeal A is whether the disputed condition is reasonable and necessary in the interests of amenity, and therefore whether it meets the requirements of the Regulations.
11. The main issue in Appeal B is whether the proposed advertisements would have an acceptable effect on the visual amenity of the area, including whether they would preserve or enhance the character or appearance of the CA.

Reasons

Appeal A

12. The disputed condition imposes a restriction on the content of the permitted advertisements, as set out in the banner heading. The Council argues that unrestricted commercial advertising would result in visual clutter and harm the cultural character of the area. It considers the thematic link between the advertisement content and the site's context as mitigating harm. The Council also references a similar approval at 17 Leicester Square, where a content restriction was imposed to manage amenity impacts. The rationale is that without such a restriction, the application would have been refused due to unacceptable visual intrusion and loss of contextual coherence.
13. While the Council's aim of preserving the cultural character of Leicester Square is understandable, the key question is whether the visual impact of the advertisement would vary according to its content. The Regulations only permit control over content where it is demonstrably necessary to prevent harm to amenity. Although I recognise the cultural link between the content the Council seeks to impose and the character of the area, I am not persuaded there is a demonstrable link between the content restriction and the avoidance of harm to visual amenity.
14. The display's physical characteristics such as size, illumination and siting would remain constant regardless of what it advertises. There is no substantive evidence that the message itself alters visual amenity. To my mind, the harm identified by the Council relates to cultural and thematic coherence rather than visual amenity. Accordingly, I am not convinced that the condition meets the necessity threshold under Regulation 3(4).
15. I therefore conclude that the condition restricting advertisement content is not reasonable or necessary under the Regulations. While preserving the area's character is a legitimate planning objective, advertisement control cannot be used to enforce specific content where there is no demonstrable impact on visual amenity. The appeal should therefore be allowed, and the condition deleted.

Appeal B

16. The appeal site is a modern building that remains under construction, with its contemporary north façade featuring solid panels interspersed with glazing and vent features. The appeal proposal is for 3 externally illuminated advertisements on the ground, second and fourth floor facades of the building. The available evidence confirms that the ground floor advertisement has been approved under a separate consent. Accordingly, the considerations in this appeal are limited to the upper 2 advertisements.
17. The appeal site lies within a highly commercialised environment where illuminated and non-illuminated advertisements of varying scales and positions, including high-level signage, are an intrinsic part of the area's identity. In this context, the proposed advertisements are modest compared to some surrounding examples. The submitted elevation drawing suggests that, when viewed head-on from Cranbourn Street, the panels could integrate reasonably well with the building's façade. These factors weigh in favour of the proposal.

18. However, the assessment must be based on the full details provided. While the appellant argues that the advertisements are proportionate, orderly, and externally illuminated in a restrained manner, the plans offer limited clarity on their appearance in situ, particularly in terms of the method of illumination and the associated illumination structure. The drawings lack comprehensive information on depth, fixings, and the precise method of illumination.
19. A section drawing has been provided, with the annotations specifying a “*linear luminaire system directed towards the poster panel... around all sides of the poster panels*”. It indicates an edge trim projecting 250mm from the building’s façade, suggesting this would wrap around and frame each advertisement. However, there are no drawings that clearly show how this projecting frame would appear in situ on the elevation. The section itself is limited in scope, does not identify which part of the façade it represents, and fails to convey the combined visual effects of the advertisements, their lighting, and their supporting structures.
20. Although similar levels of detail supported the approval of the ground-floor advertisement, that decision does not override the need for sufficient detail in this case, particularly given the greater visual prominence of upper floor advertisements. The absence of clarity creates significant uncertainty as to whether the installations would integrate discretely or appear visually intrusive, and I cannot confidently conclude that the advertisements would avoid harm to amenity, particularly given the statutory duty to preserve or enhance the character or appearance of the CA. While the area’s commercial nature and the prevalence of high-level signage is acknowledged, these considerations do not negate the need for robust evidence demonstrating that this specific proposal would not cause harm.
21. Accordingly, based on the available evidence, I am not persuaded that the proposed advertisements would avoid harm to the visual amenity of the area, or that they would preserve or enhance the character or appearance of the CA. I therefore conclude that they would fail to comply with Policies 38, 39 and 43 of the City Plan 2019-2040, Adopted April 2021, which collectively require advertisements to be sensitively designed in size, location, and illumination, and to preserve or enhance the character or appearance of conservation areas.

Appeal A Conclusion

22. For the reasons given above, I conclude that the appeal should be allowed, and the express consent varied by deleting condition No 6.

Appeal B Conclusion

23. For the reasons given above, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR