



Appeal Decision

Site visit made on 22 January 2026

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

an Inspector appointed by the Secretary of State

Decision date: 17th February 2026

Appeal Ref: APP/X5990/W/25/3365431

Accurist House, 44 Baker Street, London W1M 1DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
- The appeal is made by Mr Nathan Still of In Focus Public Networks Limited against the decision of City of Westminster Council.
- The application Ref 25/01271/FULL was approved on 25 April 2025 and planning permission was granted subject to conditions.
- The development permitted is installation of an open access communication Hub, including the removal of an existing communication apparatus.
- The conditions in dispute are Nos 2, 3, 4, 5, 6, 7, 8 and 12, which state:

Condition No 2:

The permitted maximum luminance of the two digital display screens shall not exceed the level of 600cd/m² if illuminated area is less than 10m², if larger its 300cd/m²; during hours of darkness and all specifications shall be in accordance with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05 (PLG05): The Brightness of Illuminated Advertisements'.

Condition No 3:

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. (Please note the illumination of the proposed Hubs will need to adhere to limits of luminance, illumination and intensity as advised in PLG05 [see Section 5 of Limiting the luminance of illuminated advertisements], and Guidance Note 01: The Reduction of Obtrusive Light).

Condition No 4:

No content on the digital display screens shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.

Condition No 5:

No audio associated with the advertisements.

Condition No 6:

Messages relating to the same product shall not be sequenced.

Condition No 7:

The advertisements displayed on each panel shall not change more frequently than once every 15 seconds.

Condition No 8:

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.

Condition No 12:

The structure can remain for five years from the date of this letter. After that you must remove it and return the land to its previous condition.

- The reasons given for the conditions are:

Condition No 2:

To protect the visual amenity of the area.

Condition No 3:

To protect the visual amenity of the area and in the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021).

Condition No 4:

In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 – 2040 (April 2021). (R24BD).

Condition No 5:

To protect the amenity of the area.

Condition No 6:

To protect the visual amenity of the area.

Condition No 7:

To protect the visual amenity of the area.

Condition No 8:

To protect the visual amenity of the area.

Condition No 12:

So that we can assess the effect of the structure and make sure it meets policy 24, 25, 38, 39, and 43 of the City Plan 2019-2040 (April 2021).

Decision

1. The appeal is allowed and the planning permission Ref 25/01271/FULL, for installation of an open access communication Hub, including the removal of an existing communication apparatus, at Accurist House, 44 Baker Street, London W1M 1DH, granted on 25 April 2025, is varied by deleting condition Nos 2, 3, 4, 5, 6, 7, 8 and 12, and substituting for them the following conditions:
 - 1) The maximum luminance of the digital touchscreen forming the main user interface of the Hub shall not exceed 600 candelas per square metre during hours of darkness, and shall at all times operate in accordance with the recommended luminance levels set out in the 'Institute of Lighting Professionals' Professional Lighting Guide 05 (PLG05): The Brightness of Illuminated Advertisements', or any successor guidance.
 - 2) The digital touchscreen forming the main user interface shall not display any content that resembles or could reasonably be interpreted as a traffic sign, as defined in section 64 of the Road Traffic Regulation Act 1984.

Main Issues

2. The main issues are whether the disputed conditions are reasonable and necessary having regard to:
 - amenity, in the case of all conditions except No 4; and
 - public safety, in the case of condition Nos 3 and 4 only.

Reasons

3. The planning permission is for an open-access communication hub (the Hub). At the time of my visit, the Hub had been installed in accordance with the approved plans. It incorporates two digital screens: an interactive touchscreen beneath a canopy forming the main user interface, and a larger LCD screen on the rear façade, the latter of which benefits from separate express advertisement consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the 2007 Regulations).
4. Condition Nos 2 to 8 primarily concern the advertisement display, which is regulated through the separate consent. However, as condition Nos 2 and 4 refer generally to the "digital display screens", they also apply to the touchscreen. As

this functions as the Hub's main user interface and is not an advertisement, it remains subject to planning control. To that extent, a luminance limit (condition No 2) and a prohibition on content resembling traffic signs (condition No 4) are reasonable and necessary safeguards for amenity and public safety. These conditions should therefore be retained in part and revised to apply only to the touchscreen. The reference in condition No 2 to PLG05 remains appropriate, as luminance control of the touchscreen is a planning consideration independent of advertisement regulation.

5. As drafted, condition Nos 3 and 8 also fail to distinguish between the advertisement display and the touchscreen. However, imposing restrictions on moving images, transitions and other dynamic content would undermine the functionality of the touchscreen, which is inherently interactive. No substantive evidence has been provided to demonstrate that the modest scale of the touchscreen and its interactive content would give rise to amenity or public safety concerns sufficient to justify controls that would impair its operation. Moreover, imposing those conditions on the advertisement panel would not meet the tests of being relevant to planning or the development. Conditions Nos 3 and 8 are therefore not reasonable or necessary.
6. Condition Nos 5, 6 and 7 relate exclusively to the advertisement content, which is controlled under separate express consent. The Council has not demonstrated why the planning permission must duplicate controls exercisable under that separate statutory regime, nor has it identified any planning-specific harm that would arise in the absence of those conditions. They therefore fail the tests of necessity and relevance and should not be imposed.
7. Condition No 12 imposes a five-year temporary permission. Although the Council argues that this would align with the express advertisement consent and allow the structure's effects to be reassessed over time, it has provided no compelling site-specific evidence to support a temporary approach, nor any explanation as to why a replacement for a pre-existing kiosk requires time-limiting. From my site observations, while similar installations exist in the wider area, none are in the immediate vicinity, and the Hub does not introduce uncharacteristic clutter or appear out of place within this busy urban setting. The Council's justification is therefore generic and unsupported by site-specific evidence. The Planning Practice Guidance advises that temporary conditions should be used only where a trial period is necessary or where circumstances are expected to change. The evidence fails to demonstrate that threshold is met in this case. Condition No 12 is therefore not reasonable or necessary.
8. Accordingly, I conclude that condition Nos 2 and 4 should be varied and reimposed insofar as they relate only to the interactive touchscreen. Condition Nos 3, 5, 6, 7, 8 and 12 do not meet the tests of necessity or reasonableness and should be removed.

Conclusion

9. For the reasons given above, I conclude that the appeal should be allowed and the planning permission varied, as set out in my formal decision.

P Storey

INSPECTOR