



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: 18th February 2026

Appeal Ref: APP/X5990/Z/25/3372805

Telephone Box Outside 25 Marylebone Road, London NW1 5JP

- 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 Nathan Still of In Focus Public Networks Limited against the decision of City of Westminster Council.
 - The application Ref is 25/04157/ADV.
 - The advertisement proposed is described as: "The advertisement is integrated into the Communication Hub unit and comprises an LCD portrait screen that will be used to show illuminated content that is remotely changed via a secure ISDN line to the communication device."
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the 2007 Regulations), together with the National Planning Policy Framework and the Planning Practice Guidance, establish that advertisements may be controlled only in the interests of amenity and public safety.
3. There is no evidence before me to indicate that the proposal would have any adverse effect on public safety. Accordingly, the main issue in this appeal is the effect of the proposed advertisement on visual amenity.

Reasons

4. The appeal site forms part of the pedestrian footway on the south side of Marylebone Road, a major route characterised in this location by a mixture of institutional, residential and office buildings. My visit confirmed that, although traffic levels are high, the immediate environment is not heavily defined by active commercial frontages, lighting or advertising. The appeal relates to a digital advertisement integrated into a pavement-mounted 'Communication Hub', which benefits from separate planning permission.
5. To the west, closer to Madame Tussaud's and the Baker Street junction, the character becomes noticeably more commercial and more brightly lit, but this change occurs some distance from the appeal site and does not influence the character of the streetscape immediately around it. Illumination in the vicinity of the site was limited, and the advertisement on the existing payphone kiosk was non-digital and not illuminated at the time of my visit.

6. In this context, the proposed internally illuminated digital advertisement would introduce a conspicuous feature into an area that lacks comparable features. Its size, brightness and illuminated presentation would contrast sharply with the generally subdued level of lighting arising from the surrounding built form.
7. The appellant refers to the 2010 appeal allowing the existing payphone kiosk. However, that decision concerned a proposal made under the Town and Country Planning (General Permitted Development) Order 1995, which no longer applies. Whilst the Inspector acknowledged the potential for the display of advertisements on such kiosks under deemed consent, those provisions similarly no longer apply to proposals of this nature. Furthermore, that decision involved no specific assessment of illuminated or digital displays.
8. Accordingly, it cannot be taken to establish that the proposed advertisement would be acceptable here, nor does it alter the fact that the current proposal is materially different. Although the panel may be smaller than the non-digital display historically associated with the kiosk, the difference in size is not significant, and its digitally illuminated appearance would result in a substantially greater degree of visual prominence and intensity, even when accounting for its shutdown period between midnight and 6:00am.
9. The appellant clarifies that the screen would not display dynamic or moving images, addressing some of the Council's concerns in the reason for refusal. However, even with static content, the combination of the panel's illumination, scale and contemporary digital appearance would draw undue attention in a manner uncharacteristic of its surroundings. The immediate vicinity's lack of active commercial frontage and low level of illumination mean that the advertisement would read as an incongruous and visually dominant feature of the streetscape.
10. The approved Communication Hub at the appeal site does not alter these findings, as that application was determined against a different legislative framework and did not include consideration of advertisement impacts. As such, whilst the planning and advertisement applications were submitted concurrently, it was open to the Council to reach different outcomes on each. I have also been provided with decision notices granting advertisement consent for other schemes in Westminster, but without further context these carry limited weight. In any event, all proposals must be determined on their individual circumstances, and those decisions do not alter my previous findings.
11. For these reasons, I conclude that because of its location, size and method of illumination, the proposed advertisement would harm the visual amenity of the area and would conflict with the provisions of the 2007 Regulations. Insofar as it is a material consideration relevant to the issue of visual amenity, the proposal would also conflict with Policy 43(G) of the City of Westminster City Plan 2019-2040, Adopted April 2021, which seeks to ensure that signs and advertisements make a positive contribution to amenity.

Conclusion

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

P Storey

INSPECTOR