



Appeal Decision

Site visit made on 29 April 2026

by Ann Veevers BA(Hons) PGDip(BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th May 2026

Appeal A Ref: APP/X5990/Z/25/3376693

Holden House, 54-68 Oxford Street & 51-58 Rathbone Place, London W1T 1JU

- 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 Ocean Outdoor UK Ltd against the decision of City of Westminster Council.
 - The application Ref is 25/07091/ADV.
 - The advertisement proposed is described as 'display of temporary scaffold shroud (in place to correspond with the duration of the façade retention scheme being in situ) featuring an artistic façade treatment representing the retained elevations of Holden House, and incorporating a static, non-illuminated advertisement measuring 26.0m wide by 10.0m high (11.0m on Oxford Street, 11.1m on the chamfered corner, and 3.9m on Rathbone Place)'.
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Appeal B Ref: 6002406

Holden House, 54-68 Oxford Street & 51-58 Rathbone Place, London, W1T 1JU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Ocean Outdoor UK Ltd against the decision of City of Westminster Council.
 - The application Ref is 25/07092/LBC.
 - The works proposed are described as 'display of a temporary scaffold shroud (in place to correspond with the duration of the façade retention scheme being in situ) featuring an artistic façade treatment representing the retained elevations of Holden House, and incorporating a static, non-illuminated advertisement measuring 26.0m wide by 10.0m high (11.0m on Oxford Street, 11.1m on the chamfered corner, and 3.9m on Rathbone Place)'.
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Decisions

1. Appeal A: The appeal is dismissed.
2. Appeal B: The appeal is dismissed.

Preliminary Matters

3. The appeal site includes a listed building and is located within a conservation area. The decisions address both advertisement consent and listed building consent appeals under their different regimes. The main issues relating to both schemes are set out below and to avoid repetition and for the avoidance of doubt, both appeals have been considered within a single decision letter. Nevertheless, my assessment recognises that the remit of each regime is different.
4. In relation to Appeal A, powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations) are exercised only in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as material, and any other relevant factors. In terms of the development plan, since the appeal was submitted, the

Council has adopted the City Plan 2019-2040, January 2026 (CP). This has superseded the City Plan 2019-2040, April 2021. The Council has confirmed that it now relies upon policies 42, 44 and 48 of the CP rather than policies referred to in the decision notice. The appellant has had an opportunity to comment on this change through the appeal process. I have therefore had regard to the new policies insofar as they are a material consideration.

5. The Council has concluded that the advertisement display would be acceptable in terms of public safety and, from the evidence before me, I have no reason to disagree. Therefore, my considerations in Appeal A relate only to amenity.
6. The Regulations set out that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. While the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) relating to listed buildings and their settings does not apply, the duty under section 72(1) of the Act to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area does apply insofar as it relates to the consideration of amenity and the fact that a building is listed can also be a relevant material consideration relating to the effect on 'amenity'.
7. In relation to Appeal B, I have had regard to section 16(2) of the Act, which requires decision makers to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest. As it applies to the exercise of functions under the planning acts, regard has also been given to section 72(1) of the Act concerning conservation areas.

Main Issues

8. The main issues are:
 - Appeal A: The effect of the proposal on amenity, with particular regard to the listed building and the conservation area.
 - Appeal B: Whether the works (a) preserve the Grade II listed building known on the National Heritage List for England as Evelyn House¹, its setting or any features of special architectural or historic interest it possesses and (b) preserve or enhance the character or appearance of the Hanway Street Conservation Area.

Reasons

Significance of the listed building and conservation area

9. The Grade II listed appeal building, known on the list entry as Evelyn House, forms part of the wider Holden House development that sits on the corner of Rathbone Place and Oxford Street and is of substantial size, extending a considerable way along both streets with a chamfered corner facing towards Soho Street. At the time of my site visit, the building was obscured by scaffolding and a plain white shroud. The list entry notes Evelyn House was constructed of Portland stone in 1909 as a commercial premises and goes on to describe its fine architectural detailing, including its giant strip pilasters and cast iron balconies.

¹ List Entry number: 1066033

10. From the information before me, insofar as relevant to this appeal, I find the special interest and significance of the listed building is largely derived from its architectural interest through its well-crafted and designed architectural proportions and detailing and the use of traditional materials. Significance is also drawn from its historical interest as a large commercial property surviving from the early 20th century. Pertinent to the appeal, special interest is also attributed, in part, from the building's setting within a busy commercial part of central London. The visual and functional relationships with other surrounding retailing businesses large and small has historical importance in reflecting the growth of the city and Oxford Street as a renowned retail destination. Along Oxford Street, the chamfered corner of Evelyn House provides a distinctive focal point in views for those approaching the site from the east along Oxford Street or the south along Soho Street. This setting contributes positively to the environment in which the listed building is appreciated and experienced.
11. Holden House, including the retained façade of the listed building, Evelyn House, is located within the Hanway Street Conservation Area (the HSCA). This is a compact area focused on Rathbone Place and part of the north side of Oxford Street, a vibrant and bustling, commercial part of London's West End. Rathbone Place includes many tall buildings of architectural and historic interest, interspersed with modern infill buildings. It is quieter than Oxford Street, which is wider and thus allows the varied heights and architectural details of the buildings along it to be better appreciated. In contrast to both these streets, the HSCA also includes part of Hanway Street, a narrow, curved street that faces the rear of buildings along Oxford Street. It accommodates historic buildings of a lower height and has an intimate character.
12. In part and insofar as is relevant to this appeal, I find the significance of the HSCA mainly derives from its historic grain and built fabric and the interplay between this and more modern interventions, which provide diversity and illustrate the commercial growth of the city. The plethora of primarily shop-front advertisements contribute to the city's cityscape as well as its vibrant cultural and commercial functions.
13. Holden House overall has historic value as an integral part of the 20th century commercial growth and development of the city and makes a valuable positive contribution to understanding the HSCA's area's distinctive urban character and appearance as a whole.
14. Whilst not referred to in the Council's reasons for refusal in either appeal, the officer reports for both appeals conclude that the proposal harms the setting of the Soho Conservation Area (SCA). The appellant's submissions note the proximity of the appeal site to the SCA. Indeed, the boundary of the SCA includes the buildings on the opposite side of Oxford Street and I consider the appeal site is within the immediate setting of the SCA. From the limited information available to me and my own observations, the significance of the SCA, insofar as it relates to this appeal, mostly derives from its dense pattern of narrow streets, courtyards and its vibrant, diverse mix of buildings, uses and inhabitants. As part of the historic townscape denoting the growth of the wealthier area to the north of Soho, the appeal site makes a positive contribution to the setting of the SCA.

Proposal and effects

15. The proposal comprises the display of a temporary, non-illuminated shroud to scaffolding around the façade of Holden House, with the exception of 66 and 68 Oxford Street. The shroud would incorporate an artistic drawing of the buildings' façade, and an inset advertisement panel on the chamfered corner of the building, extending across part of the Oxford Street and Rathbone Place elevations, measuring approximately 10 metres by 26 metres. The application form for advertisement consent states the proposal would be in place until October 2026 while redevelopment works are undertaken to the building. I note, however, the appellant's appeal submission also refers to a temporary period for the duration of the façade retention exoskeleton, which is identified in the programme of works up to October 2027².
16. Planning Practice Guidance³ confirms that buildings which are being renovated or are undergoing major structural work and which have scaffolding or netting around them may be considered suitable as temporary sites for shroud advertisements or large 'wrap' advertisements covering the face, or part of the face, of the building. The appellant has also drawn my attention to a recent court judgement in relation to a scaffold shroud and inset advertisement to which I have had regard⁴.
17. Westminster's Street and Spaces, Public Realm Guidance Supplementary Planning Document, adopted August 2025' (SPD) provides guidance on the erection of shrouds within Westminster. I note the SPD advises that, in some circumstances well-designed shrouds, which respond sensitively and appropriately to their context, displaying public art, full-scale representation of the building, or with minimal advertising content, may be acceptable. However, the guidance also sets out that temporary shrouds should not normally be used for displaying poster advertisements, that large displays above ground floor level are not normally appropriate, and that large-scale advertising is not acceptable.
18. Holden House is located on a relatively busy corner. Due to its extensive elevation along Rathbone Place and its prominent chamfered elevation facing Oxford Street, the proposal would be very noticeable.
19. There would be no loss of historic fabric and the extent of scaffolding used for the repair and redevelopment of the listed building inevitably obscures most of the buildings' façade. Against this baseline, or fallback position, the shroud with its artistic schematic drawing of the building, would enhance the appearance of the existing scaffolding and the plain shroud that is currently in place. Although it would not be a faithful 1:1 image of the listed building, it would allow for the continued appreciation of a similar architectural form, which would add contextual visual interest during the period of renovation works. I consider this element of the proposal would be acceptable.
20. However, given its size and awkward juxtaposition on the building, spanning different façades at different widths, the proposed infill advertisement would be a brash and conspicuous feature on the shroud. Moreover, surrounding buildings generally only incorporate advertisements as fascia signage above shop fronts. This means that upper floors of these buildings are free of clutter, allowing their

² Holden House - Combined Tender programme Rev.07-22.08.25, Appendix 1 of Metropolis Planning & Heritage Statement, 29 September 2025

³ Paragraph 18b-005-20140306

⁴ *LB of Southwark v SSHCLG & Blow Up Media Ltd & Town Hall Chambers Ltd (IP)* [2025] EWHC 1556 (admin)

built form and appearance to be appreciated as part of the street scene and the immediate setting of the listed building. The display of the proposed infill advertisement above the level of surrounding ground floor retail frontages would detract from this consistency of built form, as well as the individual character and designed architecture of surrounding buildings, both modern and historic.

21. Even if the proposed inset advertisement would only cover 13% of the building's overall façade, most of the remaining shroud would face Rathbone Place which is less conspicuous than the Oxford Street frontage. Here, the inset advertisement would be located on a sizeable portion of the highly visible chamfered elevation and extend a considerable way across the Oxford Street façade.
22. The proposed infill advertisement, despite being static and non-illuminated, would add unsympathetic visual clutter to the façades of the building as a result of its size and position. The advertisements' horizontal alignment would also disrupt the vertical symmetry of the listed building, as illustrated by the artistic depiction on the shroud, as well as the vertical symmetry of the upper floors of the adjacent buildings. In so doing, it would detract from the setting of this designated asset and therefore its significance.
23. The very purpose of an advertisement is to draw the eye. Nevertheless, on approaching the site from Soho Street to the south, the proposed infill advertisement would be in direct view. It would also be readily seen in views along Oxford Street. Given its size and position, it would visually compete with the articulation and form of surrounding buildings, including the contemporary designed glazed building at 61 Oxford Street, within the SCA. It would attract undue prominence, even with the street level backdrop of other commercial activity and would detract from a key view out of the SCA towards Oxford Street and into the HSCA from Soho Street.
24. Several buildings in the area have undergone refurbishment recently and have incorporated shrouds and infill advertisements during redevelopment works, and many remain on-going. I also note Holden House is located within Westminster's Central Activities Zone and the West End Retail and Leisure Special Policy Area which recognises Oxford Street's strategic role as a centre for commercial activity. While some parts of Oxford Street may include large illuminated and non-illuminated signage on buildings, I saw at my site visit that buildings in the HSCA do not.
25. Consequently, for the reasons above, the proposal would adversely harm the setting of the Grade II listed building, known as Evelyn House, and thus its significance would not be preserved. Nor would the proposal preserve or enhance the character or appearance of the HSCA as a whole. Similarly, whilst there is no statutory protection for the setting of a conservation area, the proposal would diminish the positive contribution the appeal site makes to the character and appearance of the adjacent SCA and harm its setting.
26. Accordingly, for Appeal B, the proposal would harm the significance of these designated heritage assets and for the same reasons, for Appeal A, the proposal would harm the amenity of the area.
27. Whilst the infill advertisement would only be displayed for a temporary period, this is not sufficient justification to allow a proposal as a whole which would have a

harmful effect on designated heritage assets and the amenity of this sensitive location.

Appeal B - public benefits and planning balance

28. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should require clear and convincing justification. Given the nature and extent of the proposal, I find that the harm to the significance of the designated heritage assets assessed above would, individually and cumulatively, be at the lower end of 'less than substantial' but nevertheless of considerable importance and weight.
29. In these circumstances, paragraph 215 of the Framework states that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.
30. The illustrated shroud would enhance the visual appearance of the scaffolding and the plain shroud, and therefore a heritage benefit would arise, which would be a public benefit. The proposal would be likely to generate economic benefits during its construction and the display of an advertisement, although the weight I attribute to this benefit is limited due to its time-limited nature.
31. That there would be no harmful effect upon public safety is a neutral factor rather than a benefit of the proposal.
32. In all of the above respects, clear and convincing justification has not been provided for the identified harm to the significance of the designated heritage assets. Overall, the weight I ascribe to the public benefits which would accrue from the proposal, is not sufficient to outweigh the considerable importance and weight I attach to the harm I have found.

Other Matters

33. In support of the proposal, the appellant has drawn my attention to numerous examples of large shrouds with inset advertisements elsewhere in Westminster and in other London Boroughs that have been approved by the respective Council or at appeal. However, for many of these examples, I have only been provided with an address, a photograph, or the decision notice and not the reasoning as to why consent was granted in each case. As such, I cannot be certain that the circumstances, including whether any effect on designated heritage assets were directly comparable to the appeal before me. I also note most of the examples located in Westminster were determined before the adoption of the SPD.
34. I do note, however, that the example at 4 Oxford Street does not relate to a listed building; it is unclear whether the examples at 25-27, 214, 236, 318 and 334-348 Oxford Street, Marble Arch, Neal Street, New Bond Street, Dean Street and Princes Court are listed buildings; the infill advertisement at Carlisle Street was much smaller; and the location of the London Pavillion at Picadilly Circus is contextually different to that of the appeal site.
35. Furthermore, the Council have also provided examples of similar proposals in Westminster that have been dismissed at appeal. This demonstrates that the

circumstances in each proposal are likely to be different, and in any event the fact that apparently similar proposals have been granted consent is not a reason, on its own, to allow a proposal that I find would be harmful for its own specific reasons. As such, these examples have not had a significant bearing on my decision.

36. I note the Council's position in relation to Avon House⁵ but do not have all the facts of that case. Nevertheless, the Council determined that the proposal in this case requires listed building consent, the appellant submitted the application, and I have dealt with the appeal on that basis.

Conclusion – Appeal A

37. With respect to the Regulations, the listed status of the appeal building and its location within the HSCA and adjacent to the SCA, together with the provisions of the development plan, are relevant material considerations. Insofar as relevant, the proposal would conflict with policies 42, 44 and 48 of the CP. These policies, amongst other things, require that all development positively contributes to Westminster's townscape and streetscape; preserves or enhances the character and appearance of Westminster's conservation areas; that heritage assets and their settings are conserved and enhanced in a manner appropriate to their significance; and that advertisements make a positive contribution to amenity.
38. Having regard to all the relevant factors set out above, I conclude that the proposal would be harmful to amenity.

Conclusion – Appeal B

39. The works fail to preserve the Grade II listed building known as Evelyn House, and fail to preserve or enhance the character or appearance of the Hanway Street Conservation Area. The proposal would therefore fail to satisfy the requirements of sections 16(2) and 72(1) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment.
40. Listed building appeals are not subject to section 38(6) of the Planning and Compulsory Purchase Act 2004. Additionally, section 16(2) of the Act does not require the decision maker to have regard to the development plan. Policies 42, 44 and 48 of the CP have therefore not been determinative in my considerations of this appeal.

Overall Conclusion - both appeals

41. For the above reasons and having regard to all other matters raised, I conclude that both appeals should be dismissed.

Ann Veevers

INSPECTOR

⁵ LPA Ref: 25/08217/ADV