



Appeal Decision

Site visit made on 6 January 2015

by **Jim Metcalf BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 January 2015

Appeal Ref: APP/X5990/H/14/2228333
14 Leicester Square, London, WC2H 7NG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by BlowUp Media UK Ltd against the decision of Westminster City Council.
 - The application Ref 14/09487/ADV, dated 24 September 2014, was refused by notice dated 21 October 2014.
 - The advertisement proposed is a temporary scaffold shroud advertisement for a period of 18 months during building operations printed on lightweight PVC and comprising an architectural coloured 1:1 replica image of the building façade on the Leicester Square and Leicester Place frontages including replica shop fascia signage with an inset digital poster display billboard screen 12m x 3m (LED lighting) for public information and commercial poster advertising below the building image on the Leicester Square frontage.
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Decision

1. The appeal is allowed and express consent for the display of a temporary scaffold shroud advertisement for a period of 18 months during building operations printed on lightweight PVC and comprising an architectural coloured 1:1 replica image of the building façade on the Leicester Square and Leicester Place frontages including replica shop fascia signage with an inset digital poster display billboard screen 12m x 3m (LED lighting) for public information and commercial poster advertising below the building image on the Leicester Square frontage as applied for is granted. The consent is for eighteen months from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:-

The display shall be permanently removed at the end of the eighteen month period of consent or upon completion of the building works at 14 Leicester Square, whichever is the sooner, unless a temporary period of consent has been sought and obtained for its continuing display beyond that time.

The adverts displayed on the illuminated LED display shall not change more frequently than once per 10 seconds.

Main Issue

2. The main issue is whether the display of the LED screen would preserve or enhance the character or appearance of the Leicester Square Conservation Area.

Reasons

3. No 14 Leicester Square, Victory House, a large imposing Victorian building, is undergoing extensive refurbishment preparing for use as a hotel. The work is programmed to last until mid-2016. For the duration of work the building, eight storeys high, is surrounded by scaffolding. The scaffolding is partly covered by a shroud on the front facade, displaying the name of the developer/construction company on each level. The scaffold remains exposed around the corner of the building and into Leicester Place. Accommodation work, with painted timber screens, allows access to ground floor shops that continue to trade. The scaffolding and shrouding largely obscures the ornate detail of the building's facades. Victory House is not a Listed Building but is within the Leicester Square Conservation Area.
4. Various policies of Westminster's City Plan and of the City of Westminster Unitary Development Plan refer to the display of advertisements. I have taken these policies into account as a material consideration. However, powers under the Regulations to control advertisements may only be exercised in the interests of amenity and public safety. Planning policies cannot be decisive.
5. Leicester Square is a famous tourist destination at the heart of a lively commercial and entertainment area. The pedestrianised square is bounded by cinemas, clubs, casinos, hotels, cafes and souvenir shops. These buildings mostly present a distinctly commercial appearance with bright, large signs and advertisements in evidence. The cinemas have illuminated signs, some with moving images at a high level on their frontage.
6. The attractive presence of Victory House in Leicester Square is lost for the duration of building work. Indeed without some form of suitable screening, the unsightly presence of the building undergoing renovation detracts significantly from the character and appearance of the conservation area. To mitigate the unsightly appearance of the building the proposed shroud would present a 1:1 scale image of the building in mural form, covering both facades of the building. Facing Leicester Square mock shop fascia signs would be displayed with an illuminated digital billboard in between.
7. The digital billboard, about 12m wide and 3m high, in a central position at first floor level on the elevation facing Leicester Square, would be a modest part of the whole shroud. The billboard would not interrupt the main 1:1 building image on the shroud that would be about 22m wide and 23m high. In total the advertising content of the shroud would be limited, and in significant part related to traders in the shops that are open during the building work. Advertisements displayed on the screen would change at approximately 15 second intervals, with a 'slow dissolve' between each advertisement. It would not display moving or flashing images.
8. In 2011 an appeal was dismissed following a Council decision to refuse consent for a temporary scaffold shroud screen advertisement at Victory House (APP/X5990/H/11/2148222). This scheme would have incorporated an inset commercial advertising area, measuring 16m x 8m, at an upper level on the Leicester Square frontage. The current proposal is appreciably different, more modest in scale, and at a lower level.

9. The combination of the image of the building and the band of advertising at first floor level, including the digital billboard, would provide a more effective screen for the building work than the haphazard and unattractive arrangements currently in place. The shroud would be an obviously temporary feature in the street scene, related to the building work. In these circumstances, I find that the shroud and associated display, including the LED screen, would suitably mitigate the unsightly nature of the building work whilst underway and, in this context, would preserve the character and appearance of the Leicester Square Conservation Area.
10. In addition to the five standard conditions that apply to all consents I am attaching a condition requiring the removal of the display at the end of the eighteen month period of consent to ensure that it is a temporary feature during the period of the work to the building.
11. I have noted the other conditions that the Council suggested should be imposed. A condition is necessary to limit the rate at which the LED images displayed change to limit the intrusive nature of the display. With this exception the application refers to the form of illumination. Consequently I see no need for other conditions, given that any material change to the form of illumination would require a fresh consent.

Jim Metcalf

INSPECTOR