
Appeal Decision

Site visit made on 10 October 2016

by D. M. Young BSc (Hons), MA, MRTPI, MIHE

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

Decision date: 25th October 2016

Appeal Ref: APP/H5390/Z/16/3155649

Hand and Flower, 617 King's Road, London SW6 2ES.

- 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 Mr Guy Goodyear (Outdoor Plus Ltd) against the decision of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/01744/ADV, dated 18 April 2016, was refused by notice dated 14 June 2016.
 - The advertisement proposed is the display of an externally illuminated shroud advertisement onto the existing scaffold in front of The Hand and Flower, 617 King's Road elevation measuring 5.6m (height) x 10.4m (width) x 0.2m (depth).
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Decision

1. The appeal is allowed and express consent is granted for the display of an externally illuminated shroud advertisement onto the existing scaffold in front of The Hand and Flower, 617 King's Road elevation measuring 5.6m (height) x 10.4m (width) x 0.2m (depth). The consent is for 12 months from the date this decision and is subject to the five standard conditions set out in the Regulations.

Preliminary Matters

2. I have taken the description of the advertisement from the Council's Decision Notice as this is more detailed than the version provided on the Application Form.
3. Planning permission has already been granted for a change of use of the property from a pub to a retail unit as well as various extensions to create 5 flats¹. The appellant has confirmed that he intends to commence work in November 2016 and forecasts that the work should take approximately 12 months to complete. The proposed shroud advertisement would be erected in connection with the scaffolding required to carry out these works.

Main Issue

4. The main issue is the effect of the advertisement display on the character and appearance of the Moore Park Conservation Area (MPCA).

Reasons

5. The appeal site is a three-storey Victorian building located on the corner of King's Road and Edith Row. It is currently boarded up but appears to have

¹ LPA ref: 2016/00842/FUL

been last used as a public house on the ground floor with residential accommodation above. The appeal property which includes an attractive red brick and stone facade is significantly taller than the more modest one and two storey properties in the immediate vicinity. As a consequence it is a prominent feature in the King's Road street scene.

6. The proposed advert banner would measure approximately 5.6m by 10.4m and would be in place for 12 months. It would be inlaid on a 1:1 replication of the facade of the building. Given its size and height, it would clearly not be suitable as an isolated advertisement display or, in any circumstances, as a permanent feature in the street scene. However, neither of these would apply. Instead the advertisement would appear in place of the usual grey plastic sheeting, and would be erected to the front of the building during the renovation works.
7. I acknowledge that the appeal site is located within the MPCA. However, the appeal site is located on a busy commercial street which has a wide range of advertisements. Whilst these are smaller than what is proposed, a number are illuminated such as the totem pole to the adjacent petrol filling station. As the display would be aligned parallel to the facade of the building neither it nor the external lighting would be unduly prominent when approaching along King's Road.
8. In the event I were to dismiss the appeal, the scaffolding and a plain shroud that would be erected, would obscure all of the facade and therefore the contribution it makes to the street scene would be lost. The proposed shroud would be an attractive alternative to the standard netting or sheeting for the limited period whilst the scaffolding is in situ. The fact that the shroud would include an architectural image of the elevational profile of the building behind is a benefit to which I attach significant weight particularly bearing in mind advice in the "*Hammersmith & Fulham Planning Guidance Supplementary Planning Document 2013*" (the SPD) which states that the Council has granted consent in the past for this type of shroud.
9. Taking account of the above, I conclude that the advertising display would not be detrimental to the interests of visual amenity and would preserve the character and appearance of the MPCA.
10. The Planning Practice Guidance (the PPG) advises 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 covering the face of the building. Policy 58 of the "*Hammersmith & Fulham Planning Guidance Supplementary Planning Document 2013*" (the SPD) goes further and states that shrouds will only be allowed in "*tightly defined circumstances*". The explanation for this policy expands on this to note that in the past revenue from advertising on shrouds has contributed to restoring buildings of historic merit, with the implication that advertisements on shrouds should only be allowed in such a context. However, to my mind, this policy places an unduly restrictive test on advertisement shrouds beyond that suggested by the PPG. Moreover, taken literally it would prevent an advertisement from being allowed on this shroud where it would cause no harm at all and would provide some benefit, which is clearly not the intention of the policy or the SPD.

11. The refusal reasoning also makes reference to Policies BE1 of the "*Hammersmith & Fulham Core Strategy 2011*" and DM G7 and DM G8 of the "*Hammersmith & Fulham Development Management Local Plan 2013*". I have taken all these policies into account as material considerations. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In determining the appeal, the Council's policies have not therefore, by themselves, been decisive.
12. I have considered the range of appeal decisions that have been drawn to my attention by both parties in support of their cases. However, I find none to be directly comparable to the scheme before me and in any event, I am required to assess the scheme before me purely on its own merits in the light of the particular circumstances which apply in this case and this is what I have done.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed as the proposed scaffold shroud would not be detrimental to the interests of amenity and public safety.

D. M. Young

Inspector