

Appeal Decisions

Site visit made on 10 October 2016

by David Spencer BA(Hons) DipTP MRTPI

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

Decision date: 18 November 2016

**Appeal Refs: APP/H5390/G/16/3150932 & APP/H5390/G/16/3153263
92 Askew Road, London W12 9BL**

- The appeals are made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a Discontinuance Notice relating to the use of a site for the display of advertisements with deemed consent.
 - The appeal 3150932 is made by JC Decaux UK Ltd and the appeal 3153623 is made by Aurvinder Singh Sawhney & Rupinder Kaur Sawhney against discontinuance action by the Council of the London Borough of Hammersmith & Fulham.
 - The Council reference is 2016/0151/ADVERT.
 - The Discontinuance Notice is dated 18 March 2016.
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**Appeal Ref: APP/H5390/G/16/3150935
Site Adjacent 163 Askew Road, London W12 9AU**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a Discontinuance Notice relating to the use of a site for the display of advertisements with deemed consent.
 - The appeal is made by JC Decaux UK Ltd against discontinuance action by the Council of the London Borough of Hammersmith & Fulham.
 - The Council reference is 2016/0150/ADVERT.
 - The Discontinuance Notice is dated 12 April 2016.
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Decisions

1. The appeals are dismissed. I direct that the Discontinuance Notices shall come back into effect and that the use of the sites for the display of advertisements with deemed consent shall cease within 4 weeks of the date of this decision.

Background and Main Issue

2. It is recognised that both advertisements have been in situ for a number of years and accordingly have deemed consent. There is also agreement that neither advertisement poses a danger to members of the public. Therefore, the main issue for all the appeals is whether the continued use of the site for the display of advertisements with deemed consent would be substantially injurious to amenity.

Reasons

3. The test under Regulation 8 of the 2007 Advertisement Regulations (in relation to Discontinuance Notices) requires that there must be 'substantial injury' to the amenity of the locality or a danger to members of the public. This is a stricter test than that for consideration of the effect on public amenity and public safety when considering whether or not express consent should be
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granted for an advertisement. It is on the basis of this stricter test that I have considered this appeal.

4. The Council has drawn my attention to Policy DM G8 of the Hammersmith & Fulham Development Management Local Plan 2013 (the DMLP). However, the powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any other material factors. Although this policy is a material consideration, in my determination of these appeals the policies and guidance, in itself, the policy cannot be determinative. As set out above the question is whether the continued use of the site would be substantially injurious to amenity.
5. The National Planning Policy Framework (NPPF) is a significant material consideration. It advises that advertisements should be subject to control only in the interests of amenity and public safety. The NPPF also states at paragraph 67 that poorly placed advertisements can have a negative impact on the appearance of the built environment.

92 Askew Road

6. The advertisement site occupies a north facing flank wall at No.92 Askew Road on the junction into Gayford Road. It is a non-illuminated hoarding measuring some 3 metres in height and 6 metres in width. It is positioned predominantly at the first floor level, and part into the second floor level, of No.92.
7. It has been submitted to me that the advertisement forms a long-standing part of the commercial character to this part of Askew Road, which is defined at this point of the busy thoroughfare as a local centre in the DMLP. Whilst no examples are before me, it is contended that the advertisement is characteristic of other signage and adverts in this commercial area. It is also submitted that the position of the advertisements bears little relationship to residential character on Gayford Road and would not harm the architectural qualities of the host building.
8. However, having visited the appeal site and its context, I share the Council's view that the scale and position at height of the advertisement is discordant in the streetscape of Askew Road and to a lesser extent Gayford Road. Although it is in a predominantly commercial area, it is positioned appreciably above other signage and ground floor commercial frontages such that it has a limited and poor relationship to the ground floor commercial character on this part of Askew Road. The absence of comparable advertisements or signage at the same height and scale means the advertisement, despite its non-illuminated structure, starkly dominates the blank flank wall of No.92. As such it appears as a harmfully incompatible feature at a prominent corner location which can be viewed over appreciable distances from the north on Askew Road and more immediately in a short section of the residential Gayford Road.
9. Whilst I note the front façade of No.92 has some decorative qualities and detailing, the flank wall, other than a small section of ground floor frontage on the corner, comprises of a blank elevation of London Stock brick. This simple, plain feature is not uncharacteristic or harmful in this part of the Borough. However, the advertisement covers a notable proportion of it. Consequently, I share the view of the Council and the Hammersmith & Fulham Historic Buildings Group that the advertisement is visually jarring against the appearance of the host building. This harmful effect is amplified by the

inappropriately high positioning above any other obvious commercial activity. I therefore find the advertisement to be an overly assertive and visually harmful element in the street scene such that it is substantially injurious to amenity in this part of the Borough.

Site Adjacent 163 Askew Road

10. The advertisement site occupies vacant land at the corner of Askew Road and Starfield Road and against the backdrop of the blank south facing flank wall of the three storey building at No. 163 Askew Road. It comprises an internally illuminated scrolling box advertisement, with static displays, measuring some 3 metres in height by 6 metres in width and is positioned between ground floor and first floor levels. The appeal site is not within, but is proximate to, the boundary of the Ravenscourt and Starch Green Conservation Area (RSGCA).
11. The appellant submits that the scale and position of the advertisement accords with the commercial character of this part of Askew Road and the commercial emphasis of nearby buildings. It is also averred that the immediate buildings to the north on Askew Road are of little architectural merit and there would be no harm to the setting of the RSGCA.
12. Having viewed the advertisement and the site context, I agree with the appellant that due to the orientation of the hoarding and the alignment of the RSGCA boundary, particularly along Ashchurch Grove, there is scant inter-visibility with this heritage asset. Accordingly, I am satisfied that the advertisement does not harm the setting of the RSGCA.
13. However, I do not find the appeal site to be embedded within the main commercial parade of Askew Road to the north. It is situated at the periphery on a part of Askew Road where the character becomes increasingly residential, in part due to the prominence of residential side streets such as Starfield Road, Ashchurch Grove, Ashchurch Terrace and Curwen Road. Whilst I noted commercial frontages at ground floor level on the adjacent terrace of four properties on Askew Road, there is a consistency to their appearance, including a generally muted scale of signage and activity. There is also a good containment of fascia and other signage to the ground floor level. In my view, the advertisement, because of its scale and height extending appreciably above the adjoining ground floor level, does not readily assimilate into this subdued commercial context. Consequently, it appears as a harmfully prominent and conspicuous feature, particularly in views from the south on Askew Road.
14. This harm is further exacerbated by its dominant position against the residential appearance of the upper storeys of the adjoining buildings on Askew Road and its entrance position into the residential Starfield Road. I noted the recent development on the opposite side of the junction with Starfield Road which comprises a supermarket at ground floor level. However, like other commercial premises on this part of Askew Road, signage (some of which is illuminated) is contained at ground floor level and is generally subservient in the overall appearance of the building. Additionally, the design of this scheme has retained a strong residential character on the corner turn into Starfield Road. Accordingly, this recent scheme does not integrate the appeal site into a vibrant commercial context and therefore the significant harm arising from the inharmonious impact on the character of the area remains. In my view the advertisement has an unacceptable impact on this part of Askew Road and

Starfield Road and I consider it is substantially injurious to amenity in this part of the Borough.

Other Matters

15. I acknowledge that the advertisements in these appeals have been in place for many years. However, current planning policy seeks to avoid poorly placed advertisements. I also note that the Council is endeavouring to improve the quality of the environment, including at the appeal location, a situation endorsed in the comments from the Hammersmith and Fulham Historic Buildings Group. A recent appeal decision¹ is before me further corroborating the Council's aim to improve the character and appearance of the Borough through the removal of harmful advertisements. I consider that both these cases before me present an opportunity to remedy significant visual harm caused by the use of the sites for advertisement purposes.
16. Due to their overall size and positioning, I have found both advertisements in these appeals to detract markedly from the appearance of Askew Road and its environs and should not be allowed to remain in place. They are also contrary to the provisions of Policy DM G8 of the DMLP and the NPPF at paragraph 67.

Conclusions

17. I have taken into account all other matters raised including the site history, the fact that the use was created by an express consent, and the longevity and extent of the use. However, none of these carries sufficient weight to alter my conclusion on the main issue that the continued use of both sites for advertisements would result in substantial injury to amenity. There are no other factors of such significance to change my decision that the appeals should be dismissed and the Discontinuance Notices are upheld.

David Spencer

Inspector.

¹ APP/H5390/G/15/3121612