

Appeal Decision

Site visit made on 17 January 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 23 January 2017

Appeal Ref: APP/H5390/Z/16/3159069

8 Hammersmith Broadway, London W6 7AL

- 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 Paul Muir, Blow Up Media UK Ltd against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/03334/ADV, dated 19 July 2016, was refused by notice dated 15 September 2016.
 - The advertisement proposed is a temporary decorative scaffold shroud screen for a period of 6 months.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. When I visited the site the building was encased with a scaffolding arrangement which appears more extensive, and therefore materially different, to that illustrated on the proposed plans. I have therefore based my decision on the basis of the arrangement shown on the plans.

Main Issues

3. The main issues raised by this appeal are the effect the proposed advertisement would have on amenity and public safety.

Reasons

Amenity

4. The proposed shroud would be largely occupied by an advertising display area with the remaining area surrounding it covered by an image depicting elements of the building's frontage. No 8 is set forward from its neighbour to the north and occupies a prominent location as part of a group of buildings on the corner of Hammersmith Broadway and Shepherd's Bush Road.
 5. These form part of a cluster of buildings which define the urban space which surrounds the Hammersmith Broadway junction. These create an attractive but sensitive townscape and an area with considerable visual amenity derived from the scale, form and appearance of those buildings including, in some cases, their architectural, historic and cultural interest, both individually and as a group. This includes the listed Swan and George Public Houses (the latter now Belushi's Bar) which occupy prominent positions in relation to the appeal site.
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6. The commercial nature of many of the ground floors of surrounding buildings means that there are a variety of small scale associated signs on buildings. However these are considerably less prevalent on upper floors and large hoarding advertisements are not a feature of the area. The effect of introducing a large advertisement display in an elevated position would be intrusive and incongruous. It would significantly and harmfully impinge on the appearance and character of the group of buildings in harmful contrast the existing attractive composition which currently exists. Its illumination would render it particularly conspicuous in hours of darkness. This leads me to conclude that the proposal would be harmful the visual amenity of the area.
7. This harm to visual amenity would include that of the Hammersmith Broadway Conservation Area, including views within it, the desirability of preserving or enhancing the character and appearance of which is a matter I have paid special attention to.
8. I have taken into account Core Strategy¹ and Development Management Local Plan² (DMLP) Policies BE1, DM G7 and DM G8 which seek a high quality urban environment, to protect the historic environment and particularly that advertisement hoardings above ground floor level are not normally acceptable where they would be out of scale with their surroundings. These policies are material in this case insofar as they relate to amenity and given I have concluded that the proposal would harm amenity, the proposal conflicts with these policies. As a result there would also be conflict with SPD³ Design Policies 21, 29, 49, 58, 61 and 62 which supplement these development plan policies.
9. The extent of the reproduction of the building's façade on the shroud would be limited to that of little more than a frame around the advertising display. Any benefits in concealing the functional appearance of the scaffolding and building activities underneath which might detract from the area's appearance would be considerably outweighed by the harm to visual amenity set out above.
10. The angle at which the advertising display would be orientated and the projecting nature of the front of No 8 relative to buildings extending north along Shepherd's Bush Road would avoid material inter-visibility between it and the listed library, police station and former fire station referred to by the Council. The harm to the visual amenity of the host building, which the Council identify as a Building of Merit, would be less marked by virtue of the effect the scaffolding would have for the duration of the renovation and development works to the building. However, this would not diminish the harm to the visual amenity of the immediate area which includes other Buildings of Merit opposite the site.

Public safety

11. The site is adjacent to junctions where vehicular traffic travels in an east bound direction as part of a wider gyratory arrangement. This is joined by vehicles exiting Beadon Road and also turning north up Shepherd's Bush Road. There is also a taxi rank on the inside of this arrangement which introduces vehicle movements from the right close to a pedestrian crossing. My observations, although just a snapshot in time, are consistent with the Council's description that that this is a busy junction with multiple vehicle movements and lane changes.

¹ Hammersmith & Fulham Core Strategy, 2011.

² Hammersmith & Fulham Development Management Local Plan, 2013.

³ Hammersmith & Fulham Planning Guidance Supplementary Planning Document, 2013.

12. The concentration of town centre uses, including those which serve the evening and night time economy, along with the entrances to Hammersmith Station would mean that pedestrian movements in and around the junction are likely to be considerable throughout much of the day.
13. The traffic signals control sequencing and, to a degree, speed and also control the pedestrian crossings. Nevertheless, in the absence of any substantive evidence to the contrary, the size, elevated position and illumination of the proposed advertisement in this location is such that it would have the potential to distract drivers of oncoming vehicles, including encouraging them to look upwards when close to the signals, such that a lapse of concentration could lead to collisions with other vehicles or pedestrians. The consequences of this would be severe.
14. I accept that drivers in such an urban area will be familiar with billboard displays and that the proposal would be a static display in an area with commercial uses. However the particular arrangements of the junction and the size and siting of the display would be unusual in its particular context and setting, circumstances the Planning Practice Guidance⁴ (PPG) identifies that advertisements may cause danger to road users. Consequently, the proposal would harm public safety.
15. I have taken into account DMLP Policies DM G8 and DM J6 which seek to protect public safety in respect of advertisements' effects and on the Borough's road network, and so are material in this case. Given I have concluded that the proposal would harm public safety, the proposal conflicts with these policies and as a result there would also be conflict with SPD Transport Policy 35 which supplements the development plan policies.

Other Matters

16. Although the PPG⁵ acknowledges that large, temporary 'wrap' advertisements may be considered suitable in circumstances such as that of the appeal site this is in the context of confirming the requirement for express consent and this consideration would not render the harm identified above otherwise acceptable.
17. The temporary period proposed would not be so short as to avoid the above harm, particularly that to public safety, which would occur immediately.
18. The appellant has referred to a number of other sites in the vicinity where shroud advertisements had been displayed in the past as well as a Council digital display. However, I have not been presented with any details of these schemes or the considerations which led to their acceptability and so cannot be certain that the circumstances are the same. Similarly I have insufficient details of the appeal decision to which the appellant refers to draw any comparisons. In any case I have considered the appeal on its own merits.

Conclusion

19. For the reasons set out above, the sign would harm the visual amenity of the area and public safety. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR

⁴ Paragraph: 068, reference ID: 18b-068-20140306.

⁵ Paragraph: 005, reference ID: 18b-005-20140306.