
Appeal Decisions

Site visit made on 28 February 2017

by Simon N Hand MA

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

Decision date: 07 March 2017

Appeal A: APP/H5390/G/16/3157187

Klaudine House, 33 Standish Road, London, W6 9AL

- 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 Pedley Limited care of RadcliffesLeBrasseur against discontinuance action by the Council of the London Borough of Hammersmith & Fulham.
 - The Council reference is 2015/01025/ADVERT. The Discontinuance Notice is dated 15 June 2016.
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Appeal B: APP/H5390/G/16/3157176

Klaudine House, 33 Standish Road, London, W6 9AL

- 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.
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Decisions

1. I hereby direct the discontinuance notice be modified by adding to the beginning of the site address in the first schedule the words "The west facing façade of". Subject to this modification the appeals are allowed and the Discontinuance Notice is quashed.

Main Issue

2. The Council have drawn my attention to the policies they consider to be relevant to this appeal and I have taken them into account as a material consideration. 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 my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive. In reaching my decision I have paid special attention to the desirability of preserving or enhancing the character or appearance of the St Peter's and the Mall Conservation Areas as well as the setting of the Listed St Peter's Church.

Reasons

3. The discontinuance notice refers to Klaudine House, a two storey office block on the northern side of the Great West Road. This has two predominantly

glazed facades, a narrow one facing west down the Great West Road and a much longer one facing south and running parallel with the Great West Road. Currently there is a large illuminated display inside the west facing façade. This used to be single storey and contained within it a smaller advertisement, but planning permission was granted in 2013 for a second floor and the new advertisement occupies the full height of the building.

4. The appellants argue that the Council are only concerned with the advertisement on the west facing elevation and the notice is incorrect to refer to the whole building. I would agree that the Council's concern is directed against the use of the west facing elevation only. No evidence has been provided about the impact on the area of the use of the much larger southern elevation, or on highway safety of having large advertisements close to and parallel with the carriageway. To make this clear I shall amend the notice to refer to the west elevation only and I consider this would be without injustice to any of the parties.
5. The building stands in the corner of the St Peter's conservation area and across the road from The Mall conservation area. In the immediate vicinity of the site St Peter's consists of mostly modest terraces of houses, although there are a number of low rise blocks of modern flats. The advertisement overlooks a small open area of grass with a large tree in it, and is angled slightly to face down the Great West Road to be clearly seen by oncoming drivers heading into London. The nearest houses are on St Peter's road and back onto the site. Those nearest the site are screened from it by a tall line of conifers. To the west of the site Standish Road, with a modern block of flats, separates the site from the grass yard behind St Peter's Church. This yard is open and also contains a large tree. Beyond the front of the church is a cultivated area called North Verbena Gardens, which runs alongside the Great West Road and to the north lies St Peter's Square. The area around Standish Road has a village like quality, as remarked upon by other Inspectors, while the Square is lined by larger, and more formal villas and has a close relationship to the striking front of the Church. Immediately behind the site is Beavor Lane which houses a large commercial estate, but most noticeably several large office blocks, taller than Klaudine House and a petrol filling station fronting onto the Great West Road.
6. On the opposite side of the Great West Road is The Mall conservation area. The most obvious building here is the large pump house of what was a water works and is now flats, with 60s style blocks of flats beyond, from which the site can be clearly seen. Immediately opposite the site is what appears to be a very new block of flats which appears to be designed not to front onto the Great West Road. Heading west, beyond the 60s style flats is another petrol filling station, and a row of much older houses accessed from a turn-in called Verbena Gardens. From here there are clear views of the site to the east. However, the most obvious man-made structure is the Great West Road which slices through the historic street pattern. It is a very busy, three lanes in both directions, dual carriageway, which is well illuminated.
7. I think it is clear from the above that the area around the appeal site mostly comprises modern buildings and the backs of houses. The historic buildings in the St Peter's conservation area are further away from the site. The views of the advertisement which can be obtained from within the conservation area, apart from when one is directly in front, are fragmentary and often partly

obscured by trees, even though they are, at this time of the year, at their least helpful in providing screening. Across the Great West Road views out of The Mall are more direct and the west and southern facades of Klaudine House are clearly visible. However, the advertisement is more distant and separated by the Great West Road from the viewer.

8. It is also important that the views of the advertisement, especially from across the Great West Road are taken in the context of the larger office buildings and petrol filling station behind the site. I noticed there are quite a number of large illuminated hoardings along the Great West Road to both west and east, and these are not an unusual sight on the approach to major cities, especially London. I was also able to see the illuminated advertisement in the gathering gloom of a rainy late February afternoon, when it stood out most.
9. Taking all this together, I do not consider the use of the west facade for the display of an illuminated advertisement has any great impact on the character and appearance or the setting of either conservation area. It is seen mostly in the context of the more modern buildings that lie just outside the conservation areas. The character and appearance of the conservation areas is thus preserved.
10. Of particular importance is the impact on the setting of the listed St Peter's Church. I agree with the appellants that the east or rear façade is the least interesting and the impact of the sign when viewed from immediately in front of this rear façade is mitigated by distance and trees through which it is seen. The significance of the setting of this listed building lies in its relationship to the square to the west and the more village-like part of the conservation area to the north. There are many views of the church down various streets lined by historic houses, but none incorporate the appeal sign. From North Verbena Gardens the church is a dominant feature and the advertisement can be seen behind it, but from here it is distant and half obscured by trees and bushes and clearly forms part of the commercial zone adjacent to the Great West Road, so that it does not detract from the church at all.
11. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a duty upon the decision-maker, in considering applications for planning permission (and also appeals against the issue of a discontinuance notice) to have special regard to the desirability of preserving the setting of listed buildings. There is a clear presumption in this duty that preservation is desirable, but in this case I find that the special interest of St Peter's Church is not be diminished by the advertisement and the significance of the listed building is preserved. The Framework further states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, but I conclude there is little or no impact on the significance of the setting of the Church.
12. A number of local residents have complained about the brightness of the advertisement, shining through their windows. The appellant has provided a detailed analysis of lighting levels falling on the façades of nearby houses which demonstrates they are not at nuisance levels and I have no reason to disagree with this. I also note the Council has embarked upon a scheme to improve the streetscape of the Borough by issuing discontinuance notices and s215 notices, but I do not think the retention of this advertisement harms the streetscape in any way.

13. Taking all of this into account I do not consider the continued use of the west elevation of Klaudine House for the display of internally illuminated advertisements causes a substantial injury to amenity, and I shall quash the notice.

Simon Hand

Inspector