

Appeal Decision

Site visit made on 14 March 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 29 March 2017

Appeal Ref: APP/H5390/Z/16/3161924

Advertising Under Bridge, Wood Lane W12 7DP

- 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 Thomas Johnston of JCDecaux UK Limited against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref; 2016/03222/ADV, dated 13 July 2016, was refused by notice dated 8 September 2016.
 - The advertisement proposed is the display of an internally illuminated advertisement panel measuring 3m (height) x 12m (width) x 0.4m (depth) following the removal of 2no existing advertisement panels.
-

Decision

1. The appeal is allowed and express consent is granted for the display of the advertisement as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional condition:-
 - 1) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 300 cd/m².

Procedural Matters

2. I have used the description of the proposal from the Council's decision notice as it provides an accurate description of the development as a whole. This is therefore the basis on which I have determined the appeal.
3. The Regulations¹ and the National Planning Policy Framework (the Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council has drawn my attention to the policies it considers relevant to this appeal and I have taken them into account as material considerations. However, the Council's policies have not, by themselves been decisive.

Main Issue

4. The Council raises no objection in relation to public safety. From the submitted evidence, I have no reason to disagree with that finding. Consequently, the main issue is the effect of the proposed advertisement on amenity.

¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Reasons

5. The appeal site is located on a brick wall, under a railway bridge on Wood Lane, opposite the junction with Aerial Way. Currently, the surroundings are predominantly commercial, with the Westfield shopping centre located to the east of the site. The majority of buildings within proximity of the appeal site are of a substantial scale, with variety in terms of architectural design.
6. From observations made during the site visit, a degree of street clutter exists close to the site, including lighting columns, a traffic light controlled junction and signage. In addition, it is evident that the construction of residential units at the BBC Television Centre is underway.
7. The appeal site currently houses 2 non-illuminated 48 sheet advertisement panels which are approximately 3 metres in height by 6 metres in width. The existing advertisements occupy a relatively prominent position and are visible in views along Wood Lane and at the junction with Aerial Road.
8. A number of hoardings are located to the north and south of the appeal site. From the evidence submitted by the Council these are temporary displays² relating to the redevelopment works at the BBC Television Centre. Other advertisements of significant scale are also present in proximity of the site, including one on the corner of Aerial Way and a variety in and around the shopping centre.
9. Consent is sought for the removal of the existing advertisement panels and display of an internally illuminated advertisement panel measuring approximately 3 metres in height and 12 metres in width. The site is the subject of a previous planning application refusal³ and a subsequent dismissal at appeal⁴. Although this was for advertisements in the same location and of a similar scale, the appeal decision related to a digital LED display.
10. The proposal would replace the existing advertisement panels and would be viewed in the same location under the railway bridge. The proposal would have a similar overall size and height from the ground as the current advertisements but would consist of one panel rather than two. The use of internal illumination is proposed but with a static display, which would include no moving imagery.
11. Due to the use of internal illumination, the proposal would be more visually prominent than the existing advertisements. However, the appellant has confirmed that the maximum illuminance would not exceed 300 cd/m² and would meet the lighting industry required standards. The level of illuminance can be the subject of a planning condition.
12. Given the control over the level of illumination; the use of an existing advertisement site; the siting of the proposal under a railway bridge close to a relatively busy junction; and, the location of the site within an urban setting with existing advertisements, no unacceptable harm would be caused to visual amenity. The proposal would therefore have a neutral effect on the street scene and would not represent an incongruous feature.

² Council references 2015/03227/ADV, 2015/04425/ADV, 2015/04440/ADV and 2015/04817/ADV

³ Council reference 2015/04915/ADV

⁴ Appeal reference APP/H5390/Z/16/3144152

13. Taking these factors in combination, and given the overall similar scale to that of the existing advisements, there would be no unacceptable increase in the clutter of the street scene. Nor would it be so dominant that it would significantly detract from the existing urban environment.
14. The site is located adjacent to the Wood Lane Conservation Area (the CA) and close to both the BBC Television Centre and the DIMCO building, both of which are Grade II listed buildings and of significant amenity value. The DIMCO building is the earliest example of an electricity generating station built for the London Underground, although now houses the White City bus Station. In relation to the BBC Television Centre, this was the first purpose built studio television centre. Its distinctive circular drum and detailing on the façade of Studio one is a key element of its special architectural and historical interest.
15. Due to the distance from the two listed buildings; the scale of development between the buildings and the site; and the degree of existing street clutter, I find no harm in relation to the setting of either listed building. In relation to the adjacent CA, the proposal would not be unduly dominant or result in an unacceptable increase of clutter within the street scene. As such, the character and appearance of the CA would be preserved.
16. Consequently, I find that the proposal would not be detrimental to amenity. Accordingly, no conflict would arise with paragraph 67 of the Framework, which states that poorly placed advertisements can have a negative impact on the appearance on both the built and natural environment.
17. As far as such factors are material, the proposal therefore complies with Policy BE1 of the Hammersmith and Fulham Core Strategy Local Development Framework 2011, Policy DM G8 of the Hammersmith and Fulham Development Management Local Plan 2013 and Design Policies 21 and 58 of the Hammersmith and Fulham Planning Guidance Supplementary Planning Document 2013 (the SPD). When taken together these policies, amongst other things, seek to ensure that advertisements do not have an adverse impact on amenity, including designated heritage assets.
18. The Council has also referred to Policy 29 of the SPD within the decision notice. However, this policy is concerned with fascia displays and is therefore not relevant in this instance.

Conditions

19. The five standard conditions set out within the Regulations have been imposed. The Council has suggested a further six non-standard conditions. Having reviewed these, a condition relating to the maximum illuminance level is necessary in the interests of visual amenity and highway safety. As this level of illumination would be comply with recommendations made by the Institute for Lighting Engineers, the Council's first suggested condition is unnecessary.
20. In relation to the restriction of illumination to the opening hours of the business to which the advertisement relates, given the proposed location and the lack of associated specific business, I do not consider this condition to be of relevance to the proposal. The Council has suggested control over the removal of the existing advertisements. As it would not be possible to erect the proposal without the removal of these, this condition is not found to be necessary.

21. The fifth and sixth conditions suggested relate to the control of special effects and animation, display of cold cathode tubes and the frequency of image change. As the proposal relates to LED strip lighting behind a static printed display, neither of these conditions are found to be necessary.

Conclusion

22. For the reasons stated above, and taking all other matters into account, the appeal should be allowed subject to the standard conditions and the additional condition set out in paragraph 1 above.

Helen Cassini

INSPECTOR