
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: 04 April 2017

Appeal Ref: APP/H5390/Z/16/3162517

**152 West Cromwell Road, corner of North End Road, Hammersmith,
London W14 9AE**

- 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 Elonex against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref: 2016/02133/ADV, dated 27 April 2016, was refused by notice dated 13 September 2016.
 - The advertisement proposed is the display of 3no. internally illuminated digital screens to be positioned inside the building, behind the existing windows, to the front elevation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the address and description of the proposal from the Council's decision notice as it provides an accurate location and 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 Issues

4. The main issues are the effect of the proposal on:
 - (i) the amenity of the area, having particular regard to the location of the appeal site and the Gunter Estate and Baron's Court Conservation Areas; and
 - (ii) public safety.

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

Reasons

Amenity

5. The appeal site is a seven-storey building located on the north-east corner of the junction between West Cromwell Road and North End Road. A number of advertisements are evident in proximity to the appeal site. However, the majority of these are of a much smaller scale than the proposal and most are of a non-digital format. Although not located within a conservation area, the site faces the Baron's Court Conservation Area to the south and the Gunter Estate Conservation Area to the west.
6. The site is located on a prominent corner plot and consists of a glass shop front with three full height windows which curve around the frontage of the unit. All three of the proposed screens would be located behind the glass windows and would be digital, internally illuminated units and would be visually obtrusive.
7. Advertisements have a clear role to play in supporting strong, sustainable economies, which national policy encourages. However, this has to be balanced against the need to ensure that they do not harm the appearance of the built environment. Due to the location and scale, the proposal would appear excessively prominent and an incongruous addition to the street scene, a view which was also shared in my colleague's earlier decision following another appeal at this site².
8. Moreover, the proposed method of illumination and the effect of the changing static images would be prominent, particularly at night, constituting further visual intrusion. The level of illumination, limiting the times of illumination and other restrictions could control some of the potential harmful effect of the illumination. Nonetheless, the intrusive and incongruous effect of the proposal would harm the visual amenity of the area.
9. The proposal would not be visible from the centre of either of the Conservation Areas. Nonetheless, due to the proximity of both boundaries of the Conservation Areas, and the proposed scale, during the hours of darkness the setting of the Conservation Areas would be harmed.
10. The appellant has referred to other sites in the locality where relatively large, digital advertisements are sited. However, I do not know the circumstances which led to their acceptability and as such, a comparison is not possible. The appeal has therefore been considered on its individual merits.
11. Accordingly, the proposal would have an unacceptably harmful impact on the character and appearance of the local area, including the setting of the two adjacent Conservation Areas. The proposal therefore harms amenity and conflicts with paragraph 67 of the Framework which recognises that poorly placed advertisements can have a negative impact on the appearance of the built environment.
12. As far as such factors are material, the proposal is therefore contrary to Policy BE1 of the Hammersmith and Fulham Core Strategy Local Development Framework 2011 (the CS), Policies DM G7 and DM G8 of the Hammersmith and Fulham Development Management Local Plan 2013 (the LP) and Design Policy 29 of the Hammersmith and Fulham Planning Guidance Supplementary

² Appeal reference: APP/H5390/H/11/2153457

Planning Document 2013 (the SPD). When taken together these policies seek, amongst other things, to ensure that new development, including advertisements, are of a high quality and preserve or enhance designated heritage assets, including conservation areas.

Public safety

13. The junction at which the site is located is extremely well used, by both vehicles and pedestrians and has a complex pattern of traffic movements. In addition, the junction has a poor accident record with a total of 156 reported accidents between 2010 and 2015, three of which were fatal. As such, the junction is a high risk location for accidents.
14. The Planning Practice Guidance emphasises that all advertisements are intended to attract attention. It goes on to point out that proposed advertisements at points where drivers need to take more care are more likely to affect public safety.
15. Traffic signals control sequencing and, to a degree, speed. They also control the pedestrian crossings. Whilst there are other advertisements within the immediate locality, the proposed screens would be clearly within an approaching driver's field of vision. Despite the reduction in brightness volunteered by the appellant, they would be an eye-catching and distracting feature when the displays are changing. In these circumstances a driver could fail to observe a red signal and cross the junction, with potentially serious consequences for the driver, other road users and pedestrians. Furthermore, drivers might be distracted when waiting at the traffic signals and fail to set off and then suddenly set off quickly. Such actions may leave pedestrians in danger or impact on the free flow of traffic. As such, the proposal would prejudice conditions of public safety.
16. As far as such factors are material, the proposal is therefore contrary to Policy DM J6 of the LP and Transport Policy 35 of the SPD which both seek to protect public safety in respect of the Borough's road network.

Other Matters

17. It has been suggested that the proposal would improve the street scene and would help to attract new business to revive the area. However, these matters do not outweigh my findings in respect of the harm identified in terms of amenity and public safety.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the proposal would be detrimental in the interests of amenity and public safety. I therefore conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR