

Appeal Decision

Site visit made on 19 June 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 07 July 2017

Appeal Ref: APP/H5390/Z/17/3171356

A4 Talgarth Road Substation, Barons Court, Talgarth Road, London W6 8RU

- 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 Matt Swindles (Primesight Limited) against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2016/05213/ADV, dated 30 November 2016, was refused by notice dated 20 January 2017.
 - The advertisement proposed is installation of 1no. 48-sheet digital LED hoarding following removal of existing, 48-sheet internally illuminated, scrolling advertising hoarding.
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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 additional conditions set out in the schedule to this decision below.

Main Issues

2. The main issues in this appeal are firstly, the effect of the proposed advertisements on amenity in terms of whether they would preserve or enhance the character and appearance of the Baron's Court Conservation Area; and secondly, the proposed advertisement's effect on public safety, in terms of road users and motorists.

Reasons

Amenity

3. The proposed advert would be sited on the predominantly blank, brick-faced, rear elevation of an electricity sub-station of considerable size, which faces the A4, and is sandwiched between that multi-lane highway and the track of the London Underground, heading into Baron's Court Station. The substation, which the parties suggest was constructed in the 1930s is typical of the style of London Underground buildings of that period, with stone-banding imparting a horizontal emphasis and this combined with the
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understated columnar forms serve to break up the otherwise imposing brick-faced elevation. The substation is situated within, but on the very boundary of the Baron's Court Conservation Area, which comprises predominantly residential terraces and open spaces to the south of the railway line. In the immediate environs of the sub-station's elevation to which this appeal relates the streetscape has a hard engineered character imparted by the A4, and its flyover, the adjacent petrol station, and signage and other street furniture.

4. At the time of my site visit, I saw that an advertisement of overall similar proportions to that of the one proposed is present on the building's elevation facing the A4. This advertisement, which is illuminated and has a mechanical scrolling mechanism that sequences printed material, benefits from deemed consent and I note that a recently determined appeal¹ quashed a Discontinuance Notice in respect of this. The proposed advertisement would replace the existing hoarding on the appeal building with an illuminated digital display screen, in more or less the same location on the elevation.
5. Whilst, like the existing hoarding it would straddle the horizontal stone-band, and be placed in an off-centre position, the proposed sign would nevertheless be of a scale which did not interfere with the strong horizontal emphasis of this elevation or interrupt the restrained rhythm of its vertical elements. Moreover, in the context of the imposing presence of the substation's A4-facing elevation the limited scale of the proposed advertisement would not constitute an overwhelming feature and thus would not dominate its host building. In this respect the proposed sign can clearly be distinguished from the much larger hoarding that was the subject of a previously dismissed appeal².
6. In the immediate environs of the site, including across the road, where a free-standing digital display screen occupies landscaping adjacent to the footway, illuminated and visible elements of signage are far from uncommon. Next to the appeal site, the illumination and totem signage of the petrol station are notable also, and the existing hoarding on the substation is also illuminated. I am also cognisant that the appellant has suggested conditions restricting the luminance of the proposed advertisement during the hours of darkness. As a consequence, within the immediate context of its surroundings, the proposed advertisement would not look unduly brash or out of kilter.
7. The elevation that the proposed advertisement would be affixed to relates to the A4, an area of a modern character dominated to a considerable degree by highways engineering features. Thus the appeal site's immediate environs are considerably different, both contextually and visually, to the wider Conservation Area, the bulk of which is situated across the railway line. Moreover, the proposed advertisement would replace the existing hoarding at the site and would lack the bulky access gantry that the existing hoarding has at its base, and as a result of which would have a sleeker and more elegant appearance, which would be a considerable enhancement. Thus mindful of my duty arising from section 72 (1) of the Planning (Listed

¹ APP/H5390/G/16/3150428

² APP/H5390/Z/16/3143591

Buildings and Conservation Areas) Act 1990, these matters, taken together, lead me to the conclusion that the proposed development would preserve the character and appearance of Baron's Court Conservation Area.

8. I note that the Council has undertaken streetscene improvements including enforcement action in the wider environs of the appeal site, and that an appeal was dismissed regarding an advertising proposal along this stretch of Talgarth Road/A4³. However, these matters do not alter my conclusions on the lack of material harm caused by the proposed advertisement to the amenity of its surroundings.
9. Therefore for the reasons given above I consider that the proposed advertisement would not cause material harm to the amenity of its surroundings. Consequently, I can find no conflict with policy BE1 of Hammersmith and Fulham's Core Strategy (adopted October 2011) (the Core Strategy); or Policies DMG7 and DMG8 of Hammersmith and Fulham's Development Management Local Plan (the DM Plan) (adopted July 2013); or the Council's Planning Guidance Supplementary Planning Document (the SPD). Taken together, and amongst other things, insofar as they are relevant to the protection of amenity, the policies and document seek to ensure that advertisements are in keeping with the character of their location; and respect and enhance their townscape context and heritage assets.

Public Safety

10. Whilst the proposed development would be located close to the A4, it would be within a zone where illuminated advertisements and signs, including the one across the road, the existing one affixed to the appeal building and those associated with the petrol station are already established elements of the streetscene. Moreover, both the existing sign affixed to the appeal property and that across the road display images that change on a periodic basis. As a consequence, I consider that the proposed advertisement, subject to conditions regarding its luminance and the sequencing of its content would not create a materially harmful distraction to drivers and other road users within its vicinity. In arriving at this view, I have been mindful of the Advertising Safety Guidance Form (ASGF) completed by Transport for London (TfL) for the appeal property in relation to the larger previously refused 96 sheet advertisement. The ASGF concluded that the appeal site would be suitable for digital advertising from a highway safety perspective and that a safety audit would not be necessary in this case.
11. Therefore, these considerations, taken together, lead me to the conclusion that the proposed advertisement would cause no material harm to highway safety, and thus public safety. As a consequence, the proposed advertisement would not conflict with policies DMG8 or DMJ6 of the DM Plan; or the SPD insofar as they are relevant and seek to ensure that advertisements do not impact on public safety and maintain the safe flow of traffic.

³ Council reference: 2013/00954/ADV

Conditions

12. In attaching conditions I have been mindful of those aspects of the proposed advertisement which the appellant indicated could be so controlled within their appeal statement. Given the prominence of the proposed advertisement adjacent to a busy multi-lane highway I have attached a number of conditions to ensure that it minimises distraction to drivers and other users in the interests of public safety. These include limiting the luminance of the proposed advertisement during the hours of darkness, the restriction of the display of moving images, visual effects and sequencing, and the minimum time for an image to be displayed onscreen as per the appellant's suggestion and following TfL guidelines. The condition limiting the luminance of the proposed advertisement to the same level as that of the existing hoarding at the site will ensure that no materially more harmful effects to the amenity of its surroundings would flow from the development in this regard.

Conclusion

13. For the reasons given above, and having regard to all other matters raised, I conclude that the display of the proposed advertisement would not be detrimental to the interests of amenity and public safety, and accordingly the appeal should succeed.

G J Fort

INSPECTOR

Schedule of Conditions

- 1) The intensity of the illumination of the sign permitted by this consent shall be no greater than 300 cd/m² between dusk and dawn.
- 2) The sign permitted by this consent shall not display any moving or apparently moving images. No special visual effects of any kind shall be permitted during the time that any image is displayed. The displayed image shall not include animated, flashing, scrolling, intermittent or video elements.
- 3) No visual effects of any kind shall accompany the transition between any two successive images on the sign permitted by this consent. The replacement image shall not incorporate any fading, swiping or other animated transitional method. Any sequential change between images shall take place over a period no greater than 1 second.
- 4) The advertisements displayed on the sign permitted by this consent shall not change more frequently than once every 7.5 seconds.
- 5) Messages relating to the same product displayed on the sign permitted by this consent shall not be sequenced.