
Appeal Decision

Site visit made on 9 August 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 23 August 2017

Appeal Ref: APP/H5390/Z/17/3176610
78 North End Road, London W14 9ES

- 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 Fred Kingsley against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2017/00612/ADV, dated 16 February 2017, was refused by notice dated 13 April 2017.
 - The advertisement proposed is described as “a banner of a scaffold shroud”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I carried out a site visit on the same day regarding another appeal involving a refusal to grant planning permission for a development at the same property (APP/H5390/W/17/3175750). Although both cases have some relationship to ongoing works at the appeal site, they are not directly related to each other. I have chosen to not combine the decisions in one document.
3. I have used the appellant’s description from the original application form. The description used by the Council on the decision was: display of a non-illuminated advertisement shroud measuring 6.75m high by 9.05m wide on scaffolding on the front elevation for a temporary period of eleven months between 13 April 2017 and 12 March 2018. I have considered the appeal on the basis that it would not be illuminated notwithstanding the indication of lighting fixtures on the proposed plans.

Main Issues

4. The first is the effect of the proposed advertisement on public safety and in particular highway safety. The second main issue is the effect of the proposed advertisement on the visual amenity of the site and surrounding area. In considering this second main issue, I will pay special attention to whether the proposal would preserve or enhance the character or appearance of the Baron’s Court Conservation Area (CA1) and the nearby Gunter Estate Conservation Area (CA2). I have also taken into account the development plan and other policies referred to by the Council but given the requirements of the regulations, they are not determinative in themselves.

Reasons

Public safety

5. The proposal is submitted in connection with the renovation and repair of this 5 storey (including the basement level) traditional building that is positioned on the corner of the junction of North End Road with Talgarth Road. This building includes commercial premises at ground floor level in a commercial frontage. The renovation works require scaffolding that would be shrouded with at 1:1 scale image replicating the façade of the building along with a 6.75m high by 9.0m wide advertisement. The advertisement would be on both the North End Road and Talgarth Road frontages, wrapping around the corner above the level of the existing fascia signs and windows displays at the ground floor premises.
6. This multi-lane junction of North End Road and Talgarth Road (the 'A4') was very busy at the time of my site visit. Each direction of the junction includes traffic lights which are also pedestrian crossings. The advertisement would be clearly in view in the background of the lights from the point of view of drivers of vehicles approaching the junction. The Transport for London consultee has referred to the position of the advertisement and viewpoint of it for drivers and also that it could diminish the appearance of a traffic signal. It seems to me that an advertisement with varying colours in the background of the signal would make a difference to the degree that the lights stand out even if the advertisement itself is not illuminated.
7. The attention of road users travelling west towards Hammersmith and south, towards Fulham at the junction would in particular be attracted to and possibly distracted by the advertisement. The complex junction requires drivers and cyclists to go through 2 sets of light signals where pedestrians will be crossing and where there is also a box junction. There is a lot to consider when driving or riding here. I am concerned that any loss of attention due to the advertisement will cause road users to have less regard for other factors such as other road users and pedestrians.
8. The Planning Practice Guidance (PPG) states that there are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality. However the guidance goes on to refer to the types of advertisements which may cause a danger. This includes those which because of their siting would confuse a road-user's view or reduce the clarity or effectiveness of a traffic sign or signal which is my concern in this case.
9. In relation to the main issue, the proposed advertisement would have a harmful effect on public safety. I have also taken account of Policies DMG8 and DM J6 of the Local Plan (LP)¹ which would not be complied with.

Visual amenity

10. The appeal site includes a traditional building with original features in a prominent position within the CA1 and adjoining CA2. The appellant has provided detailed information regarding the condition of the building. Works of repair and maintenance of the render, masonry, windows and roof areas are required.
11. The scaffolding required to carry out these works would obscure the front of

¹ Hammersmith and Fulham, Development Management Local Plan, July 2013

the building which would have a negative visual impact upon it. That would be for a temporary period and the function of the scaffolding would be obvious. It would not look unusual or out of place within the built environment. The proposed shroud would provide a subtle indication of the building behind and would therefore help to ameliorate some of the harm caused during the refurbishment.

12. Without the scaffolding in place, the proposed advertisement would detract from the traditional appearance of the building and would be harmful to the character and appearance of the building. This is a prominent site visible from wide ranging views along the adjoining roads. However, the advertisement would be no more visually harmful than the scaffolding and would be in place for a temporary period whilst the works are undertaken.
13. Although the proposal would be harmful to the character and appearance of the area, it would be no more harmful than the scaffolding required to undertake the works to the building. The advertisement would preserve the visual amenity and therefore the character and appearance of CA1 and setting of CA2 when considered for a temporary period. This would not conflict with aims of LP Policy BE1.

Other Matters

14. The advertisement would help the funding of improvements to the building. However, this and my conclusion on the second main issue do not, on balance, outweigh my concerns regarding public safety.

Conclusion

15. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

Andy Harwood

INSPECTOR