
Appeal Decision

Site visit made on 2 July 2019

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th July 2019

Appeal Ref: APP/H5390/Z/19/3228831

Telephone Kiosk outside 74 Shepherd's Bush Road, London W6 7PH

- 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 Richard Wilson of New World Payphones against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2019/00230/ADV, dated 24 January 2019, was refused by notice dated 20 March 2019.
 - The advertisement proposed is illuminated digital advertisement display integrated within replacement telephone kiosk.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal is considered on the basis that the advertisement may only be displayed if the replacement kiosk on which it is proposed obtains planning permission under some form. At the time of my site visit, the kiosk onto which the advertisement is proposed had not been installed.

Main Issue

3. The main issue is the effect of the proposed advertisement upon amenity, with particular regard to the character and appearance of the Conservation Area.

Reasons

4. The appeal site is situated on the footpath outside 74 Shepherd's Bush Road within the Melrose Conservation Area which derives its character from the late 19th century residential terraces within its core and the terraces with ground floor retail units lining Shepherd's Bush Road at its eastern boundary. The street on which the appeal site is located is, for the most part, lined with mature trees, although the immediate area where the appeal site is located is lacking this feature. The area around the appeal site contains several retail and commercial premises, although the area has a much calmer feel than that of a busy high street or town centre setting. Most of the retail and commercial uses have some form of associated advertisements, some of which are illuminated. However, these are generally fascia signs on the ground floor units. There is occasional street furniture including an existing bus stop with a double-sided advertisement incorporated into the structure.

5. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
6. The National Planning Policy Framework (the Framework) states that, the quality and character of places can suffer when advertisements are poorly sited and designed. It also states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Planning Practice Guidance states that, in assessing amenity, regard should be had to the local characteristics of the neighbourhood.
7. The proposed advertisement would be incorporated in a freestanding telephone kiosk occupying a prominent position facing north along Shepherd's Bush Road. The advertisement would protrude into the footpath from the building line and as a result the proposal would be highly visible from views along and across the street. The display of illuminated digital images would be striking and prominent and would not integrate well into the street scene. The appeal proposal would create an alien and incongruous feature and in the context of existing street furniture this would add to the visual clutter of the street, the cumulative impact of which would be harmful to the appearance of the area.
8. I have had regard to the other elements of street furniture in the area, some of which contain advertisements, and the appeal decisions put forward by the appellant for similar advertisements at other locations, although I do not have full details of these cases. I have however considered the appeal on its own individual merits. I have found that these matters do not outweigh the harm that would be caused to the amenity of the area with regard to the harmful impact the proposed advertisement would have on the character and appearance of the Conservation Area.
9. The appellant has highlighted that they have altered the proposal that was dismissed at appeal in May 2018¹ by rotating the advisement so that it faces north as opposed to facing south in the previous appeal proposal. One of the stated aims is to reduce the impact of the advertisement when viewed from the pedestrian crossing. I do not, however consider that this would override the harm I have identified.
10. In accordance with the Regulations², I have taken into account the provisions of the development plan so far as they are material. I conclude that the proposed advertisement would have a harmful effect upon amenity, would fail to preserve or enhance the character and appearance of the Conservation Area. As such, the proposal would conflict with the amenity protection and heritage conservation and enhancement aims of Policies DC1, DC8 and DC9 of the adopted Hammersmith and Fulham Local Plan (February 2018) and Key Principles AH1 and AH2 of the adopted Hammersmith and Fulham Planning Guidance Supplementary Planning Document (February 2018).

¹ APP/H5390/Z/17/3192470

² Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Conclusion

11. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR