



Appeal Decision

Site visit made on 22 July 2019

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 August 2019

Appeal Ref: APP/H5390/Z/19/3229034

Telephone Kiosks outside 398 North End Road, Fulham, London SW6 1LU

- 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 2019/00222/ADV, dated 24 January 2019, was refused by notice dated 22 March 2019.
 - The advertisement proposed is an 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 upon 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 Walham Green Conservation Area.

Reasons

4. The appeal site is located on the footpath outside 398 North End Road which is a relatively busy retail area off the busier Fulham Road. The site is within the Walham Green Conservation Area which is characterised by various forms of development centred around the commercial area of Fulham Road and includes some notable buildings and spaces, particularly around St Johns Church. There is a wide range of retail and commercial uses with associated advertisements, many of which are illuminated. However, these are generally fascia signs on the ground floor units. Notwithstanding the appeal site, which contains two telephone kiosks, there is another telephone kiosk adjacent to the appeal site. There are also two mature trees, cycle parking, litter bins, bollards and lampposts surrounding the appeal site. The appeal site is located in an area where the pavement is wider than the other pavements in the area resulting in a wider gap from the adjacent buildings than in the surrounding area.

5. 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.
6. The proposed advertisement would be incorporated in a freestanding telephone kiosk situated close to the edge of the footpath. The appeal site is located in an area where the pavement in front of the commercial premises is wider than the surrounding area at 9m in width. This would result in the advertisement being exposed and isolated from the backdrop of the buildings. As a result, the advertisement would be visible to pedestrians and vehicles approaching along North End Road after the junction with Walham Grove and would be highly visible from views along the street within the wider context of St Johns Church a key building in the Conservation Area located on the opposite side of the road. The display of illuminated digital images in this location 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 the existing street furniture, this would add to the visual clutter of the street-scene, the cumulative impact of which would be harmful to the appearance of the area.
7. I have had regard to the other elements of street furniture in the area, some of which contain advertisements. I also have had regard to the bus shelters which contain illuminated advertisements. These are however not in the same street-scene as the appeal proposal. I have also considered the appeal decisions put forward by the appellant for similar installations at other locations, although I do not have full details of these cases, these are distant from the site and have little influence upon the proposal and its immediate surroundings. Taking these matters into account, I have however considered the appeal on its own individual merits. I have found that these matters, including the presence of other similar advertisements in the wider area, does not outweigh the harm to the amenity of the area that I have identified, with particular regard to the harmful impact the proposed advertisement would have on the character and appearance of the Conservation Area.
8. In accordance with the Regulations¹, 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, and therefore would fail to preserve or enhance the character and appearance of the Conservation Area. The proposal would therefore 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 the associated guidance in Key Principles AH1 and AH2 of the adopted Hammersmith and Fulham Planning Guidance Supplementary Planning Document (February 2018) (SPD).
9. In reaching my findings with regard to the effect on amenity, I have paid special attention to the desirability of preserve or enhance the character and appearance of the Conservation Area in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

10. Key Principle NN7 of the SPD was referred to by the Council in its reason for refusal. This policy relates to environmental pollution, requiring developments with the potential to emit pollution from various sources, including light, to submit details and/or use effective mitigation measures. I do not consider that the proposal would cause any unacceptable levels of pollution. Had the appeal been allowed, appropriate conditions requiring the illumination to be in accordance with the details submitted by the appellant could have been imposed.

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