



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/19/3229033

Telephone Kiosk outside 480 Fulham Road, Fulham, London SW6 5NH

- 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 2019/00221/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 and the setting of designated and non-designated heritage assets.

Reasons

4. The appeal site is situated on the footpath outside 480 Fulham Road which is a busy town centre high street. 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 and Jerdan Place which is adjacent to the appeal site. The appeal site lies close is adjacent to the listed buildings at 17-19 Jerdan Place and non-designated heritage assets at 480-488 Fulham Road. The proposed advertisement is at a location where the street turns by almost 90 degrees creating a widened area that includes access to the pedestrianised Jerdan Place. 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. There are also two street trees, cycle parking, litter bins, an information board, a street-gate and lampposts surrounding the appeal site.
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 close to the edge of the footpath. The advertisement would be visible to pedestrians and vehicles approaching along Fulham Road prior to and after the junction with North End Road and would be viewed in the context of listed buildings at 17-19 Jerdan Place and non-designated heritage assets at 480-488 Fulham Road. The display of digital images against the backdrop of the listed buildings would be of increased prominence when compared to the existing kiosk. It would contrast sharply with the traditional architectural features of the listed buildings and harm their setting and detract from their traditional architectural features. The impact would be even more severe when the intervening trees are not in leaf. Similarly, in the context of views of the non-designated heritage assets, the proposal due to its prominence and illumination would harm their setting, particularly in relation to 480 Fulham Road of which the appeal site is directly outside.
 7. The advertisement would be sited adjacent to the pedestrianised entrance to Jerdan Place. The area provides a pleasant opening to the pedestrianised area containing the aforementioned listed buildings and street trees. To complement this area, traditional style lampposts have been installed. The advertisement would not integrate well into the street scene and would be highly visible when approaching this area. Due to its siting, size and illumination, it would appear incongruous and harm the character and appearance of the area.
 8. I have had regard to the other elements of street furniture in the area, some of which contain advertisements. I have also had regard to the bus shelters which contain illuminated advertisements. These advertisements face onto the street and are not visible from long range views, nor do they have the same backdrop 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 and the setting of the listed buildings and non-designated heritage assets.
 9. 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, would harm the setting of the listed buildings at 17-19 Jerdan Place and the non-

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

designated heritage assets at 480-488 Fulham Road. The proposal would also fail to preserve or enhance the character and appearance of the Walham Green 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 BM2, AH1 and AH2 of the adopted Hammersmith and Fulham Planning Guidance Supplementary Planning Document (February 2018) (SPD).

10. 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, which includes the relationship with listed buildings, their setting and other features of special architectural or historic interest which it possesses.
11. Key Principle BM1 of the SPD was referred to by the Council in its reason for refusal. This policy relates to, amongst other things, the designation of Buildings of Merit (non-designated heritage assets) and the circumstances under which buildings can be added to the register. For the purposes of determining the appeal, I do not consider that this policy is relevant and therefore, it has not influenced my conclusion.

Conclusion

12. 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