
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: 16 August 2019

Appeal Ref: APP/H5390/Z/19/3229036

Telephone Kiosk outside 665 Fulham Road, Fulham, London SW6 5PZ

- 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 2019/00223/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.
-

Decision

1. The appeal is dismissed.

Procedural Matter

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

Main Issue

3. Given that there is no dispute between the main parties about public safety, the main issue is the effect of the proposed advertisement upon amenity.

Reasons

4. The appeal site is located on the footpath outside 665 Fulham Road which is a busy road on the edge of Fulham Town Centre. This part of Fulham Road is characterised by a mix of predominantly commercial and retail premises on the south-west side and blocks of flats on the north-west side that are fronted by a line of mature trees. The area is notably calmer than the Fulham Road and Fulham Broadway commercial areas to the north-east of the site.
5. Most of the retail and commercial uses in the surrounding area have associated advertisements, many of which are illuminated. However, these are generally fascia signs on the ground floor units. Of particular note is an existing illuminated advertisement installed on the exposed gable of 663 Fulham Road.
6. The appeal site is located on an area of Fulham Road where the building line breaks so that 661 and 663 Fulham Road sit forward of the rest of the terrace. This results in the appeal site sitting forward of the footpath that runs in front

of the remainder of the terrace 665 to 683 Fulham Road which sits behind an area of marked on-street parking and a loading bay.

7. The National Planning Policy Framework (the Framework) states in paragraph 132 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. The Planning Practice Guidance states that, in assessing amenity, regard should be had to the local characteristics of the neighbourhood.
8. The proposed advertisement would be incorporated in a freestanding telephone kiosk occupying a prominent position facing south-west down a long and straight section of Fulham Road. Combined with the siting of the advertisement at a location where the course of the footpath bends to follow the building line, the proposal would be highly visible from long-range views along the street, particularly when no vehicles are using the parking spaces or loading bay. Even if the illumination is restricted to the level suggested by the appellant, the display of illuminated digital images in this location would be striking and prominent, and would not integrate well into the street scene, most significantly when viewed in conjunction with the existing digital advertisement on the exposed gable of No 663. The appeal proposal would create an alien and incongruous feature and in the context of existing street, this would add to the visual clutter of the street, the cumulative impact of which would be harmful to the appearance of the area.
9. I have had regard to the other elements of street furniture in the wider area, some of which contain advertisements, and the appeal decisions put forward by the appellant for similar installations 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.
10. 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. The proposal would therefore conflict with the amenity protection aims of Policies DC1 and DC9 of the adopted Hammersmith and Fulham Local Plan (February 2018).

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

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