



Appeal Decisions

Site visit made on 22 May 2019

by Martin H Seddon BSc DipTP MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th September 2019

Appeal A Ref: APP/H5390/W/18/3206642

Hammersmith Road (Outside No.105 Greenstone Dry Cleaners) London W14 0QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by British Telecommunications Plc against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref: 2018/00816/FULL dated 9 March 2018, was refused by notice dated 2 May 2018.
 - The development proposed is removal of (2) existing BT payphones and the erection of (1) freestanding InLink providing free ultrafast WiFi and other community services and with excess space returned to the community.
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Appeal B Ref: APP/H5390/W/18/3205931

Hammersmith Road (Outside No.105 Greenstone Dry Cleaners) London W14 0QH

- 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 British Telecommunications Plc against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref: 2018/00817/ADV, dated 9 March 2018, was refused by notice dated 2 May 2018.
 - The advertisement proposed is two digital LED display screens, one on each side of the InLink.
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Appeal C Ref: APP/H5390/W/18/3206649

Fulham Palace Road (Outside NO.168-188 Tesco) London W6 9PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by British Telecommunications Plc against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref: 2018/00806/FUL, dated 9 March 2018, was refused by notice dated 4 May 2018.
 - The development proposed is removal of (2) existing BT payphones and the erection of (1) freestanding InLink providing free ultrafast WiFi and other community services and with excess space returned to the community.
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Appeal D Ref: APP/H5390/W/18/3206036

Fulham Palace Road (Outside No.168-188 Tesco) London W6 9PA

- 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 British Telecommunications Plc against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref: 2018/00807/ADV, dated 9 March 2018, was refused by notice dated 4 May 2018.
 - The advertisement proposed is two digital LED display screens, one on each side of the InLink.
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Appeal E Ref: APP/H3590/W/18/3206650

King Street (Outside No.137-139 Dentix and near No.141 Paragon Service Point) London W6 9JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by British Telecommunications Plc against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref: application Ref: 2018/00830/FUL], dated 9 March 2018 was refused by notice dated 4 May 2018.
 - The development proposed is removal of (2) existing BT payphones and the erection of (1) freestanding InLink providing free ultrafast WiFi and other community services and with excess space returned to the community.
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Appeal F Ref: APP/H5390/W/18/3206053

King Street (Outside No.137-139 Dentix and Near No.141 Paragon Service Point) London W6 9JH

- 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 British Telecommunications Plc against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref: 2018/00831/ADV, dated 9 March 2018, was refused by notice dated 4 May 2018.
 - The advertisement proposed is two digital LED display screens, one each side of the InLink.
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Appeal G Ref: APP/H5390/W/18/3206651

Hammersmith Road (Outside No. 181 Virgin Active and Opposite No.182)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by British Telecommunications Plc against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref: 2018/00818/FUL dated 9 March 2018, was refused by notice dated 4 May 2018.
 - The development proposed is removal of (2) existing BT payphones and the erection of (1) freestanding InLink providing free ultrafast WiFi and other community services and with excess space returned to the community.
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Appeal H Ref: APP/H5390/W/18/3206114

Hammersmith Road (Outside No. 181 Virgin Active and Opposite No.182)

- 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 British Telecommunications Plc against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref: 2018/00819/ADV, dated 9 March 2018, was refused by notice dated 4 May 2018.
 - The advertisement proposed is two digital LED display screens, one on each side of the InLink.
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Appeal I Ref: APP/H5390/W/18/3206760

Shepherd's Bush Road (Outside No.160) London W6 7PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by British Telecommunications Plc against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref: 2018/00882/FUL, dated 13 March 2018, was refused by notice dated 9 May 2018.
 - The development proposed is removal of (2) existing BT payphones and the erection of (1) freestanding InLink providing free ultrafast WiFi and other community services and with excess space returned to the community.
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Appeal J Ref: APP/H5390/W/18/3206456

Shepherd's Bush Road (Outside No.160) London W6 7PB

- 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 British Telecommunications Plc against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref: 2018/00883/ADV, dated 13 March 2018, was refused by notice dated 9 May 2018.
 - The advertisement proposed is two digital LED display screens, one on each side of the InLink.
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Appeal K Ref: APP/H5390/W/18/3206763

Shepherd's Bush Road (Outside No.76 Mangal Express) London W6 7PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by British Telecommunications Plc against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref: 2018/00885/FUL, dated 13 March 2018, was refused by notice dated 9 May 2018.
 - The development proposed is removal of (2) existing BT payphones and the erection of (1) freestanding InLink providing free ultrafast WiFi and other community services and with excess space returned to the community.
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Appeal L Ref: APP/H5390/W/18/3206460

Shepherd's Bush Road (Outside No.76 Mangal Express) 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 British Telecommunications Plc against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref: 2018/00886/ADV, dated 13 March 2018, was refused by notice dated 9 May 2018.
 - The development proposed is two digital LED display screens, one on each side of the InLink.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The Appeal is dismissed.

Appeal C

3. The Appeal is dismissed.

Appeal D

4. The Appeal is dismissed.

Appeal E

5. The appeal is allowed and planning permission is granted for removal of (2) existing BT payphones and the erection of (1) freestanding InLink providing free ultrafast WiFi and other community services and with excess space returned to the community at King Street (Outside No.137-139 Dentix and near No.141 Paragon Service Point) London W6 9JH in accordance with the terms of the application, Ref: 2018/00830/FUL, dated 9 March 2018, subject to the following conditions:

- (1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- (2) The development hereby permitted shall be carried out in accordance with the approved plans refs. Site Plan Rev A and HMF-041-EP-V1.

Appeal F

6. The appeal is allowed, and express consent is granted for the display of the advertisement as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:

- (6) The intensity of the illumination of the digital sign shall not exceed 600 candelas per square metre between dusk and dawn in line with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'.
- (7) The digital sign shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements).
- (8) The minimum display time for each advertisement shall be 10 seconds.
- (9) The interval between advertisements shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.
- (10) No advertisement displayed shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.

Appeal G

7. The appeal is allowed and planning permission is granted for removal of (2) existing BT payphones and the erection of (1) freestanding InLink providing free ultrafast WiFi and other community services and with excess space returned to the community at Hammersmith Road (Outside No. 181 Virgin Active and Opposite No.182) in accordance with the terms of the application, Ref: 2018/00818/FUL dated 9 March 2018, and the plans submitted with it, subject to the following conditions:
 - (1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - (2) The development hereby permitted shall be carried out in accordance with the approved plans refs. Site Plan Rev A and HMF-028-EP-V2.

Appeal H

8. The appeal is allowed, and express consent is granted for the display of the advertisement as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - (6) The intensity of the illumination of the digital sign shall not exceed 600 candelas per square metre between dusk and dawn in line with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'.
 - (7) The digital sign shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements).

- (8) The minimum display time for each advertisement shall be 10 seconds.
- (9) The interval between advertisements shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.
- (10) No advertisement displayed shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.

Appeal I

- 9. The appeal is dismissed.

Appeal J

- 10. The appeal is dismissed.

Appeal K

- 11. The appeal is dismissed.

Appeal L

- 12. The appeal is dismissed.

Preliminary Matters

- 13. The National Planning Policy Framework (the Framework) was revised in July 2018 and again in February 2019. I have determined these appeals on the basis of the latest version as I consider that there will be no prejudice to the main parties.
- 14. The application forms for appeals C and D describe the location of the site as "Fulham Palace Road (Outside No.216 Accupuncture)". However, I have used the Council's description of development because it is more accurate.

Background

- 15. The proposals are part of a wider scheme of InLink implementation across Hammersmith and Fulham Council area. Several sites have been proposed as a connectivity solution to provide free ultrafast Wi-Fi coverage across the borough.
- 16. The appeals relate to 6 separate freestanding InLink units. In each case 2 existing BT payphone boxes in the surrounding area would be demolished. The InLink units would be freestanding panels around 290 cm high by 89 cm wide (tapering down to 79 cm wide at the base) and around 28 cm deep. The InLink would have a smaller footprint than conventional telephone kiosks, at only 0.25m², versus 0.81m² for each existing kiosk that is intended for replacement as part of the applications.
- 17. Related appeals for advertisement consent have been submitted accordingly. The advertisements to be displayed would be on digital display screens on

both sides of the InLink panel and around 2.9 m high by 0.8 m wide. In general, the displays would be smaller in area than advertisements on bus shelters which are near the appeal sites in some cases. The luminance level of the display screens would be set in accordance with the recommended levels within the Institute of Lighting Professional Technical Report 5 in line with other digital advertising screens in the borough. The appellant has proposed a condition restricting the use of the screens to static images only.

18. Having regard to the benefits of the proposals, the appellant submits that, at no cost to taxpayers or end users, InLinks provide communities with an unprecedented suite of essential urban tools, including free ultrafast Wi-Fi, phone calls, wayfinding, device charging, an emergency 999 call button, public messaging capabilities, and a platform for interactive technologies on the streets such as air quality monitoring.
19. InLinks have also been designed to be accessible to all users, regardless of their physical or technological capabilities. The features include easy access, including for wheelchair users, braille embossed information, easy touch 999 call button, high-contrast large type labels help the visually impaired, talk back functionality and integrated hearing induction loops. I have taken these benefits into account in reaching my decisions.
20. Appeals C, D, E, F, I, J, K and L are located within Conservation Areas. Statutory requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
21. Appeals A, B, G and H are located in the vicinity of listed buildings. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be had to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses.
22. Paragraph 193 of the revised Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 indicates that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Paragraph 196 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
23. The development plan includes the Hammersmith and Fulham Local Plan and the London Plan. Local Plan policy DC1 (Built Environment) seeks a high quality urban environment that respects and enhances its townscape and

heritage assets. Local Plan policy DC8 (Heritage and Conservation) is intended to conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets. Local Plan policy DC9 (Advertisements) requires a high standard of advertisements, which should be in scale and in keeping with the character of the location and should not have an unacceptable impact on road safety. Local Plan policy DC10 (Telecommunications) supports the expansion of telecommunications networks but the Council is keen to avoid any detrimental impact on the local townscape.

24. London Plan policy 6.10 (Walking) seeks to promote an increase in walking, including measures such as a simplified streetscape, decluttering and access for all. London Plan policy 7.4 (Local character) looks to maintain and enhance local character. London Plan policy 7.5 (Public Realm) requires London's public spaces to, amongst other things, incorporate the highest quality design, landscaping, planting, street furniture and surfaces. London Plan policy 7.8 (Heritage assets and archaeology)
25. The Council also has an adopted Planning Guidance Supplementary Planning Document which includes key principles CAG2 (Urban design in conservation areas), CAG3 (New development in conservation areas), CAG6 (Open spaces, tree and streets in conservation areas) and TR22 (Streetscape).
26. In its decision notices for advertisement consent applications the Council has referred to several Hammersmith and Fulham Local Plan policies including DC1, DC8, DC9 and DC10 and including London Plan policies 6.10, 7.4, 7.5 and 7.8. Development plan policies cannot be decisive because the regulations to control advertisements and the revised Framework indicate that decisions should be made only in the interests of amenity and public safety, taking account of cumulative impacts. However, these policies, plans and strategies have been taken into account as a material consideration in the advertisement appeals.
27. Paragraph 132 of the revised Framework advises that the quality and character of places can suffer when advertisements are poorly sited and designed. It explains that a separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective.

Appeal A

Main Issues

28. The main issues in Appeal A are the effect of the proposal on the setting of the Dorcas Estate Conservation Area and whether it would preserve the setting of the listed terrace of Nos.99-119 Hammersmith Road.

Reasons

29. The proposed InLink unit would be located within the footway outside the grade II listed terrace of Nos.99-119 Hammersmith Road in a predominantly commercial high street setting. The Dorcas Estate Conservation Area

boundary follows the front elevation of the terrace and the footway is not included. The three storey terrace is an example of late Georgian development. There are retail units at ground floor level with good quality shopfronts. Above is a balcony with residential use at second and third floor levels. The Dorcas Estate Conservation Area consists of a core of Victorian residential properties, the West London Magistrates Court and a built frontage to Hammersmith Road. The historic fabric of the Conservation Area remains intact and there have been few unsympathetic alterations to the properties.

30. The InLink unit would be sited within an attractive row of silver birch trees. In the vicinity of the appeal site there are single cycle stands, two lamp standards, two litter bins and a traffic sign on a pole. The premises of Pret-a-Manger and the Mirabell cafe both have outdoor seating areas on the footway.
31. The InLink unit would be a modern addition which would add clutter to the street scene. I consider that it would not be in keeping with the character and appearance of the adjacent listed terrace and would fail to preserve its setting, because of the height, bulk and prominence of the proposed InLink unit.
32. The harm arising from the proposal would also have an adverse effect upon the setting of the Dorcas Estate Conservation Area when the proposed unit was viewed from within Hammersmith Road. However, as the harm would be limited to views within part of Hammersmith Road it would be less than substantial to the setting of the listed building and setting of the Conservation Area. There are public benefits arising from the proposal in terms of improved accessibility to call box kiosks for people with limited mobility, including wheelchair users, and use in emergencies. However, the public benefits in that respect do not outweigh the harm to the heritage assets that I have identified.
33. The proposal includes the removal of an existing telephone call box on the opposite side of the road from the appeal site at No.66 Hammersmith Road and a call box opposite Nos.1 and 2 North End Road. The call box at No.66 is seen against a high modern building, whereas the proposed InLink unit would be adjacent to the listed terrace. The call box opposite Nos.1 and 2 North End Road is not visible from the appeal site. I find that the benefit from removing these call boxes would be outweighed by the harm from the proposed InLink unit to the setting of the listed terrace and harm to the setting of the Dorcas Estate Conservation Area.
34. The proposal would conflict with London Plan policies 7.4, 7.5 and 7.8 and with Local Plan policies DC1, DC8 and DC10. There would also be conflict with key principles CAG2 and CAG3 of the Council's supplementary planning document and the heritage objectives of the Framework.
35. For these reasons appeal A is dismissed.

Appeal B

Main Issues

36. The main issues in Appeal B are the effect of the proposal on amenity and public safety. The Council considers that the proposed illumination levels of the advertisement displays could be acceptable subject to the imposition of an appropriate condition. I see no reason to disagree. There is no evidence that the displays would unduly distract drivers or cyclists or pedestrians. I consider that there would be no harm to public safety from the displays.
37. I have determined above that the proposed InLink unit would harm the setting of the listed terrace of Nos.99-119 Hammersmith Road and the setting of the Dorcas Estate Conservation Area. The proposed digital displays, even if the illumination level was limited by condition, would inevitably increase the visual impact of the InLink unit and would have a significantly harmful effect on the amenity of the area.
38. The proposal would conflict with London Plan policies 7.4, 7.5 and 7.8 and with Local Plan policies DC1, DC8, DC9 and DC10 (in so far as the development plan is a material consideration in the determination of the proposals for advertisement consent). There would also be conflict with key principles CAG2 and CAG3 of the Council's supplementary planning document and the heritage objectives of the Framework.
39. For these reasons appeal B is dismissed.

Appeal C

Main Issues

40. The main issues in Appeal C are the effect of the proposal on the character and appearance of the Crabtree Conservation Area and the effect on highway and pedestrian safety.

Reasons

41. The proposed InLink unit would be located in the footway outside the three storey block of Nos.168-188 Fulham Palace Road in a predominantly commercial high street setting. The block has retail units at ground floor level, including a Tesco store, with residential use above. No.190 adjacent to the block is designated as a building of merit. The appeal site is within the Crabtree Conservation Area. The Conservation Area is characterised by its mainly residential use and rectilinear street pattern and the mixed use frontage to Fulham Palace Road, including retail and commercial uses.
42. In the vicinity of the appeal site there is a street tree, a bike rack and bollard, and a lamp standard. There is also a triple bike rack outside the Tesco store. The pavement is around 4.55 m in width and the site would be near the start of a bus lane.
43. The InLink unit would be sited in line with the street tree, bike rack and bollards. There would be some screening from the street tree and there are

some modern elements in the street scene. However, I consider that unit would unduly add clutter to the existing street furniture, to the detriment of the street scene because of its height, bulk and prominence.

The proposal would also fail to conserve or enhance the character and appearance of the Crabtree Conservation Area when viewed from within Fulham Palace Road. However, as the harm would be limited to views within part of Fulham Place Road it would be less than substantial to the significance of the Conservation Area as a whole. There are public benefits arising from the proposal in terms of improved accessibility to call box kiosks for people with limited mobility, including wheelchair users, and use in emergencies. However, the public benefits in that respect do not outweigh the harm to the heritage assets that I have identified.

44. This part of Fulham Place Road experiences a high footfall, with members of the public visiting the retail premises including the Tesco store. The submitted plans indicate that the distance between the InLink unit and the front of the premises would be around 3.2 m, which is less than the guidance in key principle TR29 of the Council's supplementary planning document that there should be a minimum 3.5 m. width of clear unobstructed footway in town centres, or 1.8 m. outside town centres. The amount of clear unobstructed footway would be reduced when people were using the unit's facilities, because telecommunication functions would be included in the narrow side of the InLink unit that would face the retail premises. I find that the proposal would harm the free flow and safety of pedestrians in the vicinity of the proposed InLink unit.
45. The proposal includes the removal of two existing telephone call boxes. One is located outside the park at Greyhound Road and the other is at the junction of Greyhound Road and Field Road. These existing boxes are not visible from the appeal site. I find that the benefit from removing these call boxes would be outweighed by the harm from the proposed InLink unit to the character and appearance of the Crabtree Conservation Area and harm to the free flow of pedestrians in Fulham Palace Road.
46. The proposal would conflict with London Plan policies 6.10 and 7.8 and with Local Plan policies DC1, DC8 and DC10. There would also be conflict with key principles CAG2, CAG3, TR1, TR22 and TR9 of the Council's supplementary planning document and the heritage objectives of the Framework.
47. For these reasons Appeal C is dismissed.

Appeal D

Main Issues

48. The main issues in Appeal D are the effect of the proposal on amenity and public safety.
49. I have determined above that the proposed InLink unit would harm the character and appearance of the Crabtree Conservation Area. It would also cause harm to the free flow of pedestrians in Fulham Palace Road.

50. I note that the Council has taken action to improve the appearance of the streetscene in the vicinity of the site by seeking the removal of advertisement hoardings which do not have the benefit of deemed consent.
51. There is no evidence that the displays would unduly distract drivers or cyclists or pedestrians. I consider that there would be no harm to public safety from the displays. However, even with a condition to limit the level of illumination, the proposed digital displays would inevitably increase the visual impact of the InLink unit and would have a significantly harmful effect on the amenity of the area.
52. The proposal would conflict with London Plan policies 6.10 and 7.8 and with Local Plan policies DC1, DC8 and DC10 (in so far as the development plan is a material consideration in the determination of the proposals for advertisement consent). There would also be conflict with key principles CAG2, CAG3, TR1, TR22 and TR9 of the Council's supplementary planning document and the heritage objectives of the Framework.
53. For these reasons, Appeal D is dismissed.

Appeal E

Main Issue

54. The main issue in appeal E is the effect of the proposal on the character and appearance of the King Street East Conservation Area and the setting of the locally listed buildings of merit at Nos.116, 118, 122-124, 133 and 135 King Street.

Reasons

55. The proposed InLink unit would be located in the footway in front of the modern buildings of Dentix and Paragon in a predominantly commercial area. It would be situated within the King Street East Conservation Area. The character of the Conservation Area is defined by the variety of development types that form cohesive groups within it. These include the retail frontages along King Street, the mid-19th Century terraces to the east, and the redevelopment schemes from the first half of the 20th Century to the south.
56. The proposal includes the replacement of the existing telephone call box outside No.141 King Street and the removal of an existing telephone call box located outside Nos.238-246 King Street, respectively. The proposed InLink unit would be sited between a street sign and a lamp standard, which is next to a waste bin. The footway at this point is wide, providing a generally spacious un-cluttered context. Although the proposed InLink unit would have a different form, dimensions and appearance compared with the existing call box, I consider that it would not be unduly prominent or cause increased visual harm.
57. The locally listed buildings of merit are sited on the opposite side of King Street and also directly to the east of the appeal site. I consider that there would be no detrimental impact from the proposal upon the character and appearance of the buildings of merit and it would preserve their setting. This

is because the unit would primarily be seen in the context of the modern buildings of Nos.137-139 and No.141 King Street and it would replace the existing call box which is already part of the setting of the buildings of merit.

58. The proposal would preserve the character and appearance of the King Street East Conservation Area when viewed from within King Street. There would be public benefits arising from the proposal in terms of improved accessibility to call box kiosks for people with limited mobility, including wheelchair users, and use in emergencies. There would also be benefits from the removal of the existing call box outside Nos.238-286 King Street because it would remove clutter from the street scene.
59. The proposal would not conflict with London Plan policies 7.4, 7.5 and 7.8 or with Local Plan policies DC1, DC8 and DC10. There would also be no conflict with key principles CAG2 and CAG3 of the Council's supplementary planning document and the heritage objectives of the Framework.
60. For these reasons, Appeal E is allowed.

Appeal F

Main Issues

61. The main issues in Appeal F are the effect of the proposal on amenity and public safety.

Reasons

62. The Council has raised no objection to the proposed two digital display screens on the grounds of public safety. I see no reason to disagree, because there is no evidence that the advertisements would adversely distract passing drivers or cyclists.
63. At Appeal E above I have allowed the siting of an InLink unit at this location. Illuminated advertisements are not a predominant feature of the locality. However, there would be some lighting from the modern buildings next to the appeal site. I consider that the proposed displays would not appear out of character in the street scene in this busy area of commercial and other uses. There would be no significant harm to the setting of the nearby buildings of merit. The advertisements would have a neutral effect on the character and appearance of the King Street East Conservation Area because they would be seen in the context of the modern buildings.
64. The proposal would not conflict with Local Plan policies DC8 and DC9 (in so far as the development plan is a material consideration in the determination of the proposals for advertisement consent). There would also be no conflict with key principles CAG2 and CAG6 of the Council's supplementary planning document.
65. For these reasons Appeal F is allowed.

Appeal G

Main Issues

66. The main issue in Appeal G is the effect of the proposal on the character and appearance of the surrounding area and on the setting of the listed building of No.188 Hammersmith Road and setting of the Brook Street Conservation Area.
67. The proposed InLink unit would be located in the relatively wide footway outside No.181 Hammersmith Road, which is a large modern building that includes the premises of Virgin Active. The building is fronted by some mature Plane trees. At the opposite side of Hammersmith Road is the grade II listed building of No.188 Hammersmith Road, and designated buildings of merit at No.182 and Nos.190-194 Hammersmith Road. The appeal site is adjacent to the Brook Green Conservation Area.
68. In the vicinity of the appeal site there are bike racks, bollards and a lamp standard with a street sign attached. The area has an uncluttered appearance. I consider that the InLink unit would complement the scale and character of the Virgin Active building because of its modern design and appearance. The listed building of No.188 Hammersmith Road and buildings of merit are located at the opposite side of Hammersmith Road from the appeal site. These buildings are within the Conservation Area, which has its boundary along Hammersmith Road.
69. Hammersmith Road is relatively wide and in view of the separation distance and siting of the InLink unit fronting the modern building, I consider that there would be no harm from the proposal to the setting of the listed building, setting of the buildings of merit or setting of the Brook Green Conservation Area.
70. The proposal would involve the removal of two existing telephone call boxes on the opposite side of the road near Nos.170-172 Hammersmith Road, which are also located within the Brook Green Conservation Area and are visible from the appeal site. I find that the removal of these call boxes from their site in the Conservation Area would be an additional benefit from the proposal.
71. The proposal would not conflict with London Plan policies 7.4, 7.5 and 7.8 or with Local Plan policies DC1, DC8 and DC10. There would also be no conflict with key principles CAG2 and CAG3 of the Council's supplementary planning document.
72. For these reasons appeal G is allowed subject to conditions.

Appeal H

Main Issues

73. The main issues in Appeal H are the effect of the proposal on amenity and public safety.

74. The Council has raised no objection to the proposed two digital display screens on the grounds of public safety. I see no reason to disagree, because there is no evidence that the advertisements would adversely distract passing drivers or cyclists.
75. At Appeal G above I have allowed the siting of an InLink unit at this location. Illuminated advertisements are not a predominant feature of the locality. However, there would be some lighting from the modern buildings next to the appeal site. I consider that the proposed displays would not appear out of character in the street scene next to this large modern building. There would be no harm to the setting of the listed building of No.188 Hammersmith Road and buildings of merit, which are located at the opposite side of Hammersmith Road from the appeal site. The proposal would also not harm the setting of the Brook Green Conservation Area, which has its boundary along Hammersmith Road.
76. The proposal would not conflict with London Plan policies 7.4, 7.5 and 7.8 or with Local Plan policies DC1, DC8, DC9 and DC10 (in so far as the development plan is a material consideration in the determination of the proposals for advertisement consent). There would also be no conflict with key principles CAG2 and CAG3 of the Council's supplementary planning document.
77. For these reasons Appeal H is allowed.

Appeal I

Main Issue

78. The main issue in Appeal I is the effect of the proposal on the Brook Green Conservation Area.

Reasons

79. The proposed InLink unit would be located in the footway outside a row of retail and commercial premises, with residential uses on the upper floors. The appeal site would be within the Brook Green Conservation Area.
80. The Conservation Area is centred upon the open space of Brook Green. The green is fronted by a mixture of residential and semi-public buildings with largely residential streets leading off.
81. In the vicinity of the appeal site there is a street tree, a lamp standard with a street sign attached and a refuse bin. The site is near the start of a bus lane and there is a bus stop shelter nearby. A telephone call box is located on the opposite side of Shepherd's Bush Road.
82. The proposed InLink unit would be in line with the existing street furniture. However, it would unduly add clutter to the existing street furniture, to the detriment of the street scene, because of its proposed height, bulk and prominence.

83. The proposal would fail to preserve or enhance the character and appearance of the Brook Green Conservation Area when viewed from within Shepherd's Bush Road. However, as the harm would be limited to views within part of Shepherd's Bush Road it would be less than substantial to the significance of the Conservation Area as a whole. There are public benefits arising from the proposal in terms of improved accessibility to call box kiosks for people with limited mobility, including wheelchair users, and use in emergencies. However, the public benefits in that respect do not outweigh the harm to the heritage assets that I have identified
84. The proposal includes the removal of an existing telephone call box at Brook Green and one at Shepherds Bush Road on Brook Green. I find that the benefit from removing these call boxes would be outweighed by the harm from the proposed InLink unit to the character and appearance of the Brook Green Conservation Area.
85. The proposal would conflict with Local Plan policies DC8 and DC9. There would also be conflict with key principles CAG2 and CAG3 of the Council's supplementary planning document.
86. For these reasons Appeal I is dismissed.

Appeal J

87. The main issues in Appeal J are the effect of the proposal on amenity and public safety.
88. There is no evidence that the displays would unduly distract drivers or cyclists or pedestrians. I consider that there would be no harm to public safety from the displays.
89. At Appeal I above I have dismissed the siting of an InLink unit at this location. Illuminated advertisements are not a predominant feature of the locality. I consider that the proposed displays would be prominent and out of character in the street scene and would unduly add to the existing clutter from street furniture. The advertisements would have a significant harmful effect on the character and appearance of the Brook Green Conservation Area.
90. The proposal would conflict with Local Plan policies DC8 and DC9 (in so far as the development plan is a material consideration in the determination of the proposals for advertisement consent). There would also be conflict with key principles CAG2 and CAG6 of the Council's supplementary planning document.
91. For these reasons Appeal J is dismissed.

Appeal K

Main Issue

92. The main issue in Appeal K is the effect of the proposal on the character and appearance of the Melrose Conservation Area.

Reasons

93. The proposed InLink unit would be located in the footway outside a three storey terraced parade which has shops at ground floor level and residential uses on the upper floors. The appeal site is within the Melrose Conservation Area and is designated as a Satellite Parade.
94. In the vicinity of the appeal site there is a bike rack and an existing telephone call box. To the north, beyond the call box, there is a bus stop and shelter, a lamp standard and a litter bin.
95. The core of the Melrose Conservation Area consists of residential terraces dating from around 1880. The terraced properties along Shepherds Bush Road are of a similar date and have retail units at ground floor level.
96. I find that the proposed InLink unit would unduly add clutter to the existing street furniture, to the detriment of the street scene. I consider that it would not be in keeping with the character and appearance of the adjacent terrace, because of the height, bulk and prominence of the proposed InLink unit.
97. The harm proposal would also fail to preserve or enhance the character and appearance of the Melrose Conservation Area when viewed from within Shepherd's Bush Road. However, as the harm would be limited to views within part of Shepherd's Bush Road it would be less than substantial to the significance of the Conservation Area as a whole. There are public benefits arising from the proposal in terms of improved accessibility to call box kiosks for people with limited mobility, including wheelchair users, and use in emergencies. However, the public benefits in that respect do not outweigh the harm to the heritage assets that I have identified
98. The proposal includes the removal of two existing telephone call boxes. One is located outside Nos.44/46 Shepherds Bush Road near the junction with Poplar Grove and the other is outside No.148 Shepherds Bush Road. I find that the benefit from removing these call boxes would be outweighed by the harm from the proposed InLink unit to the character and appearance of the Melrose Conservation Area.
99. The proposal would conflict with London Plan policies 6.10, 7.4, 7.5 and 7.8 and with Local Plan policies DC1, DC8 and DC10. There would also be conflict with key principles CAG2, CAG3, CAG6 and TR22 of the Council's supplementary planning document.
100. For these reasons Appeal K is dismissed.

Appeal L

Main Issues

101. The main issues in Appeal L are the effect of the proposal on amenity and public safety.
102. There is no evidence that the displays would unduly distract drivers or cyclists or pedestrians. I consider that there would be no harm to public safety from the displays.

103. At Appeal K above I have dismissed the siting of an InLink unit at this location. Illuminated advertisements are not a predominant feature of the locality. However, there is non-illuminated lighting at the existing call box which is next to the appeal site. I consider that the proposed displays would be prominent and out of character in the street scene and would unduly add to the existing clutter from street furniture. The advertisements would have a significant harmful effect on the character and appearance of the Melrose Conservation Area.
104. The proposal would conflict with London Plan policies 6.10, 7.4, 7.5 and 7.8 and with Local Plan policies DC1, DC8, DC9 and DC10 (in so far as the development plan is a material consideration in the determination of the proposals for advertisement consent). There would also be conflict with key principles CAG2, CAG3 and CAG6 of the Council's supplementary planning document and the heritage objectives of the Framework.
105. For these reasons Appeal L is dismissed.

Conditions

106. For Appeals E and G, I have imposed the standard time condition for the commencement of development as well as a condition to confirm the approved plans.
107. For Appeals F and H, I have imposed the five standard conditions as well as those suggested by the appellant. These additional conditions control the intensity of illumination and timing of advertisements in the interest of amenity.

Conclusions

108. All other matters raised have been taken into account. For the reasons given above Appeals A,B,C,D,I J K and L are dismissed. Appeals E,F,G and H are allowed.

Martin H Seddon

INSPECTOR