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## Appeal Decision

Site visit made on 30 July 2019

**by F Rafiq BSc (Hons), MCD, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 November 2019**

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**Appeal Ref: APP/H5390/Z/19/3229528**

**Telephone Kiosk o/s Threshold House, 65-69 Shepherd's Bush Green, Shepherd's Bush, London, W12 8TX**

- 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 (New World Payphones) against the decision of the Council of the London Borough of Hammersmith & Fulham.
  - The application Ref 2019/00224/ADV, dated 25 January 2019, was refused by notice dated 28 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 allowed and express consent is granted for the display of the illuminated digital advertisement display integrated within replacement Telephone Kiosk 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:
  - 1) The intensity of the illumination of the advertisement permitted by this consent shall be within that recommended by the Institute of Lighting Professionals in its Professional Lighting Guide 05 (PLG05) Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide).

### Procedural Matter

2. The proposal seeks consent for an advertisement on a telephone kiosk. The telephone kiosk was subject to an application for a prior approval which was refused by the Council. The Appellant has clarified that the kiosk will be the subject of a future planning application. As the details of the kiosk structure have been provided, I have determined this appeal on its own merits.

### Main Issue

3. The main issue is the effect of the proposed advertisement on the amenity of the area, including whether it would preserve or enhance the character and appearance of the Shepherds Bush Conservation Area.

### Reasons

4. The appeal site comprises of an area of pavement to the front of Threshold House on Shepherd's Bush Green, which is a busy road carrying multiple lanes of traffic in a single direction towards the junction with Uxbridge Road. On the western side of Shepherd's Bush Green, in the vicinity of the appeal site, are a number of large buildings, including the six storey Threshold House and similar

- scale buildings to its north and south that are in a variety of uses. The appeal site is situated within the Shepherds Bush Conservation Area (Conservation Area), which is centred on Shepherd's Bush Common, a pleasant and green space that contributes to the special character of the area.
5. The advertisement subject of this appeal would have dimensions of 1.650m by 0.928m, with a 1.5sqm digital display. This would be incorporated onto a kiosk, which the Appellant has set out would be the subject of a separate application.
  6. The appeal advertisement would be seen in the context of large commercial buildings, including Threshold House, which is also situated within the Conservation Area. I do not therefore consider that the size of the proposed advertisement, which would be contained within a kiosk of modest dimensions, would appear unduly large within this context or in respect of other advertisements, such as those at fascia level on nearby buildings and on freestanding structures in the area.
  7. There are various items of street furniture on the western side of Shepherd's Bush Green, and reference has been made to a number of other internally illuminated advertisements along this length of pavement. I was able to see these at the time of my visit and this included a digital advertisement on a free-standing BT In-Link kiosk and an advertisement panel on a bus shelter. These were, however, sufficiently separated from the appeal site, with the former being located to the north of the site, beyond a number of trees and lower level street furniture items, with the latter to the south outside the Dorsett Hotel. Given the distances between the digital advertisements, I do not consider the proposal would give rise to unacceptable visual clutter, despite the public realm improvements that the Council have referenced.
  8. The advertisement would be clearly visible in views from the south, but I was able to see the area where the host kiosk would be sited, in line with a row of trees, would not make it unduly prominent. Furthermore, in respect of illumination, there are other digital displays present within the Conservation Area and I therefore have no reason to find the method of internal illumination to be unacceptable, subject to controls on the levels of brightness. The advertisement proposed would therefore preserve the character and appearance of the Conservation Area.
  9. My attention has been drawn to policies from the development plan and reference has been made to the National Planning Policy Framework as well as a Supplementary Planning Document. Whilst I have taken them into account as material considerations, the power to control advertisements under the regulations may be exercised only in the interests of public safety and amenity. Reference has also been made to the removal of two existing telephone boxes, but I have been provided with limited details of these and note the replacement of the existing kiosks would be the subject of a separate application. Consequently, in my determination of this appeal, these matters have not, themselves, been decisive.
  10. For the above reasons and having regard to all other matters raised, I conclude that the appeal should succeed. I shall impose the five standard conditions set out in the Regulations as well a condition to control the intensity of illumination which I consider is necessary in the interests of safety and public amenity.

*F Rafiq* INSPECTOR