
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

Appeal Ref: APP/H5390/Z/19/3229533

Telephone Kiosk o/s 126 Uxbridge Road, Shepherd's Bush, London, W12 8AE

- 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 2019/00225/ADV, dated 24 January 2019, was refused by notice dated 28 March 2019.
 - The advertisement proposed is an illuminated digital advertisement display integrated within replacement Telephone Kiosk.
-

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 Shepherd's Bush Conservation Area.

Reasons

4. The appeal site is situated on Uxbridge Road to the front of a four storey terrace row that contains retail and other uses on the ground floor. This section of Uxbridge Road carries multiple lanes of traffic and there was also a regular flow of pedestrians along the pavement at the time of my visit. The

site is within the Shepherds Bush Conservation Area (Conservation Area), which is centred on Shepherd's Bush Common. This area of pleasant open space provides relief from the busy commercial activity and 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 the rear of a kiosk, which would have a rectangular form and an open front. The Appellant has stated that the kiosk would be the subject of a separate application.
6. The proposed advertisement, which would be contained on a kiosk, would be situated near the edge of the kerb, where a variety of street furniture can be seen. This includes bicycle racks and street lighting posts, but also other street furniture items that incorporate advertisements, including bus shelters. In addition, there are a wide range of advertisements at fascia level of the ground floor retail and commercial properties on Uxbridge Road. The proposal would be seen in these surroundings and its size, would not therefore appear unduly large.
7. The Council have made reference to public realm improvements in the vicinity of the site which have decluttered the streetscene. Although there are various other advertisements in the vicinity of the appeal site, the proposal would be separated from other digital advertisements on free-standing structures, such as the BT In-Link kiosk that is situated on Uxbridge Road, close to the junction with Shepherd's Bush Green. As such, I do not consider the proposal would give rise to unacceptable visual clutter.
8. The proposal would be a digital advertisement, but I have no reason to find the method of internal illumination to be unacceptable. There are other digital displays present within the Conservation Area and the levels of brightness can be controlled.
9. The advertisement would be visible along Uxbridge Road, but it would, along with its host kiosk, be situated in a linear zone along the kerbside that contains other street furniture items and sit separate from the pleasant green area of Shepherd's Bush Common on the opposite side of the road. I do not therefore consider it would be unduly prominent and it would preserve the character and appearance of the Conservation Area.
10. Although not identified in the reason for refusal, concern has been raised on the obstruction that a telephone box would cause to pedestrian traffic. This appeal proposal relates to an advertisement and not the kiosk that it would be sited on. However, having regard to the positioning of existing street furniture in the vicinity of the site and the information before me which sets out the width of the advertisement at 0.928m and that of the host kiosk at 1.096m, I do not consider that there would be unacceptable harm to pedestrian safety.
11. 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 an existing telephone box, but I have been provided with limited details in this respect and note the

replacement of the existing kiosk would be the subject of a separate application. Consequently, in my determination of this appeal, these matters have not, themselves, been decisive.

12. 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