
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/19/3229539

Telephone Kiosk o/s 212 Uxbridge Road, Shepherd's Bush, London, W12 7JD

- 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 2019/00226/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.
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Decision

1. The appeal is allowed and express consent is granted for the display of the an 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 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 on the setting of the Coningham/Lime Grove Conservation Area.

Reasons

4. The appeal site is situated to the front of 212 Uxbridge Road, a three storey mid-terrace property. This building has a retail use on the ground floor, with the remainder of the terrace consisting of a variety of retail and commercial uses fronting Uxbridge Road. The presence of these uses, along with the

proximity of the appeal site to Shepherd's Bush Market Station, a short distance to the east, results in the area being busy with regular pedestrian and vehicular traffic movements. The appeal site is situated outside, but close to the Coningham/Lime Grove Conservation Area (Conservation Area), which is to the south west. The Conservation Area, including its northern edge on Uxbridge Road, contains terraced development and this provides a defined edge and enclosure in the townscape.

5. The proposed advertisement 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. This would be located immediately to the west of an existing kiosk, which the Appellant has stated would be replaced by the kiosk hosting the advertisement. It has further been confirmed that the replacement kiosk would be the subject of a separate application.
6. The proposal would be located near the edge of the kerb, in a linear zone that contains a variety of street furniture, including bins, a cash machine kiosk and a street lighting column as well as a street tree. Although the existing nearby kiosk does not contain an illuminated advertisement, I was able to see a range of advertisements at fascia level of the ground floor retail and commercial properties on Uxbridge Road. There were also a number of bus shelters to the west of the site on both sides of the road that contain advertisements at ground floor level. The proposal would be seen in these surroundings and amongst other advertisements. Its size therefore, would not appear unduly large.
7. My attention has been drawn to public realm improvements in the vicinity of the site which have decluttered the streetscene and introduced new highway surface materials. Whilst the proposal would introduce an additional advertisement display, given the busy commercial nature of the area, I do not consider that it would result in 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 various other advertisements in the vicinity of the site that are illuminated, as well as lighting from other sources such as street lighting. Furthermore, the levels of brightness can be controlled and I do not therefore consider that the proposal would be visually obtrusive.
9. The advertisement would be seen along Uxbridge Road, but I do not consider that it would be particularly prominent in long views, due to the presence of other street furniture in the area close to the kerb edge on the northern side of this road. The proposal is also separated from the Conservation Area on the opposite side of the middle of Uxbridge Road, and given the presence of commercial activity along this section of road, with associated advertisements, I find that the setting of the Conservation Area would be preserved.
10. Some concern has been raised on the remaining clear width of the public highway for pedestrian traffic following the installation of the host kiosk on which the advertisement would be sited. Having regard to the location of other street furniture, including the existing kiosk close to the appeal site, I do not find that the current unobstructed width along this section of pavement would be unacceptably reduced.

11. My attention has been drawn to policies from the development plan and reference has been made to the National Planning Policy Framework. 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 this existing kiosk would subject to 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