



Appeal Decision

Site visit made on 13 January 2020

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2020

Appeal Ref: APP/H5390/Z/19/3239900

**St John's Church, North End Road, Walham Green, Fulham,
London SW6 1PB**

- 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 Wilson Haagens (St Johns Church) against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2019/02037/ADV, dated 5 July 2019, was refused by notice dated 3 September 2019.
 - The advertisement proposed is described as a temporary decorative scaffold shroud screen measuring 14m x 8m during refurbishment of the Church including a 1:1 image of the Church facade.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my site visit an illustrated scaffold shroud depicting a 1:1 image of the Church's front facade was in place, so the proposal is part retrospective.
3. The Council has not expressed concern regarding public safety. Therefore, I have considered the proposal on the basis of amenity, which on the facts of this case turns on its effect on the visual amenity of the area.

Main Issue

4. The main issue is the effect of the advertisement on the visual amenity of the area, with particular regard to listed buildings and preserving the character or appearance of the Walham Green Conservation Area (CA).

Reasons

5. St John's Church is a Grade II listed building located within the CA and near a number of other listed buildings, including the Grade II listed Cock Tavern and Fulham Baths. It stands prominently as a focus point within its own island and makes an important contribution to the significance of the CA, which is derived in part from the quality and detailing of historic buildings and the cohesive character of groups of mostly three and four storey buildings, which combine into frontages to define attractive streets, spaces and views.
6. Advertisements in this part of the CA are mostly confined to shop fronts at street level and are small in scale. The clear visual distinction between the commercial uses at street level and the uncluttered building frontages above

contributes positively to the character of the CA and to the setting of the Church and the other nearby listed buildings.

7. The Regulations¹ advise that factors relevant to 'amenity' include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest, which would encompass listed buildings and conservation areas. Furthermore, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of 'preserving or enhancing the character or appearance' of a Conservation Area. This statutory duty also applies in advertisement appeals insofar as it relates to the consideration of 'amenity'. Therefore, the effect on the CA and listed buildings is a relevant factor to the consideration of the effect on 'amenity'.
8. I am informed that the Church is on the Historic England Heritage at Risk register and has been subject to essential repairs and refurbishment works for which scaffolding to the front was necessary. It is evident from the planning history² that an illustrated scaffold shroud advertisement was granted consent in 2011, but it was required to be removed after 2 years.
9. According to the drawings the shroud itself measures 22m in width and 11m in height. It is intended that it would also host an inset advertisement, which would measure 14m in width and 8m in height, and be illuminated from above by eight floodlights.
10. The Planning Practice Guidance (PPG)³ says that: "*Buildings which are being renovated or are undergoing major structural work and which have scaffolding or netting around them may be considered suitable as temporary sites for shroud advertisements or large 'wrap' advertisements covering the face, or part of the face, of the building*". However, it is apparent that in this case the shroud has already been in place for a number of years and as such it is becoming an established part of the street scene, which to my mind, is not what is envisaged by the PPG. From the evidence before me, the Phase I & II restoration works requiring the scaffolding were completed in 2017. At my site visit I did not observe any ongoing external works behind the shroud. The Phase III works still to be carried out appear to relate to drainage and the interior of the Church and as such would not require the use of scaffolding and a shroud.
11. The appellant states that the scaffolding is still necessary to reinstate the 'crocketed finials' at the top of the bell tower, but from the information before me, those works are not part of the Phase III programme and there is no substantive evidence to demonstrate that they are likely to commence and be completed within the period of time for which consent is being sought. Indeed, the supporting letter referred to by the appellant makes it quite clear that "*the scaffolding needs to remain in place until such time as we are able to apportion the necessary funds (likely to now be in excess of £125k)*". That strikes me as not being any time soon, particularly as the costlier Phase III works still need to be funded and carried out.

¹ Regulation 3(2) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

² Ref: 2010/01490/ADV

³ Paragraph: 005 Reference ID: 18b-005-20140306

12. Furthermore, the shroud advertisement would continue to obscure a substantial portion of the attractive west facade of the listed building. It would also be highly visible, incongruous and overpowering in this prominent and sensitive location, exacerbated further by the illumination, which would draw the eye and add to its intrusiveness during the evening. Consequently, the shroud advertisement would neither preserve nor enhance the character or appearance of the CA, or preserve the appearance of the listed building within the appeal site and the setting of the nearby listed buildings, the Cock Tavern and Fulham Baths. The identified harmful impacts would be significant and would not be sufficiently offset by the temporary nature of the proposal.
13. In reasoning the above, I acknowledge the importance of the advertisement revenue to the Church and the benefits of the future planned works to the long-term maintenance of the listed building. I appreciate that those future works are reliant on the advertisement revenue. However, I am required to assess the effect of the proposal in the interests of amenity and I have found that it would cause significant harm in this regard. The amenity of the area would be improved by revealing this historic building as part of the street scene, not by continuing to obscure it with an intrusive shroud advertisement.
14. I therefore conclude that the advertisement would be harmful to the amenity of the area, having particular regard to listed buildings and preserving the character or appearance of the CA. As such, Paragraph 132 of the National Planning Policy Framework does not provide support for this advertisement because it would cause the quality and character of the area to suffer.
15. The Council has referred to policies of the Hammersmith and Fulham Local Plan 2018, and its Planning Guidance Supplementary Planning Document 2018. Whilst not decisive, I have had regard to these as material considerations, noting the stipulation that advertisement shrouds should not impose a detrimental impact on the building or street scene, and the presumption against prolonged periods of display of harmful advertisement shrouds.

Other Matters

16. The appellant cites an extract from an appeal decision in Westminster, which broadly supported the potential use of scaffold shrouds. The appellant also submits that there are other cases where shroud advertisements have remained in place for a long period to fund works. However, the details of the particular cases and their circumstances are not before me. In any event, I am required to determine this appeal on its own merits, which is the approach I have taken.

Conclusion

17. For the reasons given above, and having regard to all matters raised, I conclude that the advertisement would cause significant harm to visual amenity. Accordingly, the appeal should be dismissed.

Adrian Caines

INSPECTOR