



Appeal Decision

Site visit made on 1 June 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 9 June 2020

Appeal Ref: APP/H5390/Z/20/3247344

389A North End Road, London, SW6 1NR

- 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 Clear Channel UK against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2019/02844/ADV, dated 20 September 2019, was refused by notice dated 29 January 2020.
 - The advertisement proposed is to repost the existing display with a "D-poster" which will display multiple static advertisements on rotation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the amenity of the area and public safety.

Reasons

Amenity

3. The site is on the flank of a building on North End Road and is therefore located at the bottom of residential Anselm Road, a relatively quiet, tree lined street of terraced housing and flats, subject to street calming measures. The poster would be visible for over 100 m along Anselm Road and residents would be highly aware of large, changing, brightly coloured digital pictures at a high elevation as they leave their houses and walk along the street, particularly after dark. This would harmfully change the character and amenity of the residential street because these features are more typically associated with industrial and commercial areas.
4. The flank windows of flats on North End Road are directly opposite the poster and a changing backdrop of different images and lighting would be experienced when looking out of these. This would be more intrusive and distracting than the current externally illuminated static poster, which is more akin to the steady light from a lamppost. I therefore find that the visual amenity of the occupants of the flats opposite would also be harmed.
5. North End Road is dominated by retail and commercial use, and there are many large, bright signs associated with businesses. Most of these signs are

not lit during the day and they are generally fascia signs at ground floor level. A digital poster, with its sharp and changing images, above the commercial zone of the street frontage would not enhance the bustling, open market character of this area, although given the commercial backdrop, I consider that this harm would be minor.

6. As part of their appeal the appellant has expressed a willingness to reduce the level of illumination to 200 cd/m² at night-time and proposed a condition to switch off the display between 0000 hrs and 0500 hrs. Although this would reduce the impact, it would not overcome the harm identified.
7. The proposal would therefore not be in the interests of visual amenity as required by the Town and Country Planning (Control of Advertisements) (England) Regulations (2007) and the Planning Practice Guidance¹.
8. In coming to this view, I have had regard to the Policy DC9 of the Hammersmith and Fulham Local Plan (February 2018), which seeks to protect residential amenity from inappropriate advertisements. Powers under the regulations to control advertisements may be exercised only in the interests of amenity and public safety, but the policy, with which the proposal is in conflict, is nonetheless a material consideration.

Public Safety

9. The site is visible for approximately 100 m when approached from the north along North End Road. Traffic at this location, including buses and motorbikes, was observed at the site visit to be extremely busy in the middle of the day. The lack of cycle lane or nearby zebra crossing meant that cyclists and pedestrians were also in the road and extra care had to be taken to avoid them. Traffic was entering from side streets and the visibility in both directions was compromised by the slow-moving vehicles in front. This area is part of North End Road market, which includes busy street stalls in road laybys, immediately adjacent to the roadway. The level of concentration required by drivers and other street users is therefore very high at this location. The Highways and Transportation department state that 3 collisions were recorded near or at the junction of Anslem Road in the 3-year records. I conclude that any increase in distraction would have a significantly negative impact on highway safety.
10. The location of the poster on the first floor and oblique to the main thoroughfare means that drivers are likely to need to shift their attention from the road in front to see the advertisement, particularly as they get closer. A digital display will be frequently eye-catching in slow moving traffic because of the changing images, which is a significant difference to a static poster. I consider that in this case, the poster would be distracting, and this would be harmful to public safety at this location.
11. The proposal would therefore not be in the interests of public safety as required by the Town and Country Planning (Control of Advertisements) (England) Regulations (2007) and the Planning Practice Guidance.
12. Local Plan Policy DC9 also seeks to protect road safety from inappropriate advertisements. There is conflict with this policy, which, again, is a material consideration

¹ Paragraph: 026 Reference ID: 18b-026-20140306

Conclusions

13. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

B Davies

Inspector