



Appeal Decision

Site Visit made 20 October 2020

by S Harley BSc(Hons) M.Phil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 28th October 2020

Appeal Ref: APP/H5390/Z/20/3255515

Advertising Rights On Flank Wall, 401 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 London Borough of Hammersmith and Fulham.
 - The application Ref 2020/00771/ADV, dated 2 March 2020, was refused by notice dated 12 May 2020.
 - The advertisement proposed is repost the existing display at 401B North End Road, Fulham, with a digital (LED display) poster which will display multiple static advertisements on rotation.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time the appeal was submitted the reference number APP/P5870/Z/20/3255515 was allocated as if the site was in the London Borough of Sutton. It is in the London Borough of Hammersmith and Fulham and the reference number has therefore been corrected as set out above.

Main Issues

3. The main issues are the effect on amenity and public safety.

Reasons

4. As set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), advertisements are subject to control in the interests of amenity and public safety. The provisions of the development plan should be taken into account if they are material. The National Planning Policy Framework (the Framework) states that the quality and character of places can suffer when advertisements are poorly sited and designed. The National Planning Practice Guidance (the PPG) says that, in assessing the effect on amenity, the local characteristics of the area should be taken into account.

Amenity

5. The site is on the flank of a three storey building on the corner of North End Road and Halford Road. Although the site is in the Primary Shopping Frontage of Fulham Town Centre and in the Fulham Regeneration Area, Halford Road is a

predominantly residential street. There is an externally illuminated poster of roughly the same size and position as the proposal. There is also a poster on the flank wall of No 403 North End Road opposite.

6. The digital poster would be 6m wide and 3m high, with a sharp and changing image. Its top would be about 7m above ground level. Due to its overall size, height above ground floor level, illumination and constantly changing display it would be highly visible along North End Road. For these reasons it would be more intrusive than the existing externally illuminated static poster advertisement even taking account of nearby streetlights. Moreover, the partial oblique view in places, because of the position of other buildings, could be even more distracting than a direct view. The proposal would be harmful as most other nearby advertisements on the commercial street, including the advertisement on the retail unit below, are much smaller in scale, even though some are large and bright, and are generally confined to the shop fronts and the ground floor elements of the buildings.
7. The site is visible for some distance along Halford Road. Residents would be highly aware of the large changing coloured digital pictures at a high position as they walk along the street. Such a display would harmfully change the character and amenity of the residential street because these features are more typically associated with industrial and commercial areas.
8. The appeal site is opposite the edge of the Walham Green Conservation Area (the CA) which runs along part of North End Road. There would be some intervisibility between the site and the CA and therefore the site lies within its setting. The proposed high level constantly changing display would not preserve or enhance the context of the character or appearance of the CA although the harm would be less than substantial as the poster would be at right angles to and set back from the boundary of the CA.
9. The illumination level could be reduced to 200 cd/m² at night-time and the display switched off between 0000 hrs and 0500 hrs. Although this would reduce the impact, it would not overcome the harm at other times.
10. It appears that the existing poster board has been displayed for some years and benefits from deemed consent. It would most likely remain in place unless consent is given for a different advertisement. The removal of the external projecting lighting bar would reduce clutter and improve the appearance of the site. Digital posters are likely to require less routine maintenance than those on traditional poster boards which can become ripped and damaged and then detract from the appearance of the street. These matters attract some weight in favour of the proposal but not sufficient to outweigh the concerns I have identified above.
11. The appeal is accompanied by a diagram which indicates that the light spill would not reach the flank wall opposite. In any case there are no windows in that wall, so there would be no direct effect on living conditions of occupants, unlike in the recent appeal at No 389A North End Road. However, the poster would have a vertical lit face and would not comply with the ILP Guidance Note 01/20 "Guidance notes for the reduction of obtrusive light" which indicates light should be directed downwards wherever possible.
12. The appellant asserts that the advertisement proposal before me would be set a little further from the junction with North End Road than the case of No 389A.

It would therefore be a little less prominent although the difference appears relatively minor. In any case, of itself, this does not lead me to conclude the proposal before me would have an acceptable effect on amenity.

13. I conclude that due to its size, position and illumination the proposal would be harmful to the visual amenity of the area and would fail to preserve or enhance the character or appearance of the CA. It would conflict with the Regulations, the Framework and the PPG. It would also be contrary to Policies DC1, DC8 and DC9 of the Hammersmith and Fulham Local Plan 2018 (the LP). These together require proposals to enhance the townscape, to protect, restore and enhance local heritage assets and require advertisements to be in scale with the character of their location.

Public safety

14. The site is visible travelling north along the North End Road, a designated London Distributor Road. A 20 mph zone is marked on this section of North End Road and extends into Halford Road. There is no dedicated cycle lane but there is a non-signal controlled pedestrian crossing close to the Halford Road junction. Across, and slightly offset from, Halford Road is the Haldane Road junction. As part of the market there were stalls in laybys along North End Road with goods, empty boxes and stall holders encroaching onto the carriageway. Taking all of this into account the degree of concentration required by road users is high.
15. The first floor position of the poster, oblique to the street, means that road users are likely to shift their attention from the road in front and upwards to see the advertisement, particularly as they get closer. A digital display would be frequently eye-catching in slow moving traffic because of the changing images, even if only at ten second intervals. This would be a significant difference to a static lit poster. I consider that the poster would be distracting, and would be harmful to public safety at this location. Moreover, the Council indicates there have been some fatal and serious accidents within the vicinity of the site, adding weight to my concerns.
16. I conclude that the proposal would have an unacceptable harmful effect on public safety. It would conflict with the Regulations, the Framework and the PPG. It would also be contrary to Policy DC9 of the LP and Key Principle TR28 of the Planning Guidance Supplementary Planning Document - February 2018 which require advertisements not to have an unacceptable impact on road safety. Although cited on the decision notice Policies T2 and T6 appear less relevant as they relate to traffic generation and the impact of developments, construction and other operations that affect the hierarchy of roads in the Borough rather than directly to advertisements.

Conclusion

17. I conclude that the proposal would be harmful to the character and appearance of the area and detrimental to highway safety. It would conflict with the Regulations, the Framework and the PPG and also with material Policies of the LP. The appeal is dismissed.

S Harley

INSPECTOR