



Appeal Decision

Site Visit made on 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/20/3256882
587-591 Fulham Road, LONDON, SW6 5UB

- 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 Calmtree Ltd against the decision of the London Borough of Hammersmith and Fulham.
 - The application Ref 2020/01120/ADV, dated 27 April 2020, was refused by notice dated 30 June 2020.
 - The advertisement proposed is illuminated shroud advertisement.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application form sought consent to display the advertisement from 1 June 2020 to 1 September 2020. However, the proposal has been delayed due to the Covid 19 pandemic disruption. The appellant has confirmed that a three month display period is sought.

Main Issues

3. The main issues are the effect of the proposed advertisement on the character and appearance of the area and on 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.

Character and appearance

5. The building is a three storey art deco style mid terrace property (plus basement) in a prominent location on a bend. It is within the Waltham Green Conservation Area (the CA) and the Fulham Primary Shopping Area and is highly visible from Fulham Road and the two nearby junctions of Jerdan Place.

- It is locally listed as a Building of Merit, as are adjacent buildings, and opposite Grade II Listed Buildings at Nos 9-19 Jerdan Place.
6. The striking narrow windows geometrically arranged at first and second floors with the decorative detailing at third floor and roof level make a positive contribution to the character and appearance of the CA. Its temporary disappearance behind a scaffold shroud could be mitigated by displaying an image of the building on it.
 7. However, setting a 6.2m high by 8.9m wide advertisement banner within the shroud would mean a large, incongruous and prominent addition to the street scene. It would be highly visible particularly from Jerdan Place and Vanston Place and would obscure the upper part of the building and dominate the street scene. This would be harmful as most other advertisements are much smaller in scale and are generally confined to the shop fronts and the ground floor elements of the buildings. The effect would be exacerbated by the illumination at such a high level above the ground floor frontages even if the level of illumination were restricted and the fixtures hooded and angled to shine only on the advertisement. I therefore consider that the advertisement would be harmful to the character and appearance of the host property and the area. It would also harm the visual amenity of the CA and the setting of the Listed Buildings on Jerdan Place.
 8. The PPG indicates that major structural works may constitute circumstances where the display of an advertisement shroud would be acceptable. In this case the works proposed are wind and watertight roof and fabric repairs more akin to maintenance than major structural works. The shroud is proposed in the context of the requirement for scaffolding for twelve weeks (although the Project Programme is for a longer period) and the works would safeguard the structure from wind and rain and help preserve it as a heritage asset.
 9. However, little details of costs of the works has been provided and there is no evidence that the funds raised from the advertising would be used to maintain and improve the appearance of the building. It seems unlikely that the shroud would deteriorate over the twelve weeks proposed so I give little weight to the indication that it would be of much higher quality or would be maintained at a higher standard than normal. There are therefore no substantiated benefits arising from the scheme that could outweigh the harm to the area's character and appearance.
 10. 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 conflict with 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.

Highway Safety

11. The appeal site is on a bend of a busy commercial street opposite a junction. The proposed advertisement due to its illumination, even if hooded and angled to shine only on the advertisement, and unusual height above ground level in this location, would be likely to distract road users by drawing their eyes

upwards. As such it could significantly increase the risk of accidents both between vehicles and with pedestrians. Moreover, the Council indicates there have been some fatal and serious accidents within the vicinity of the site, adding weight to my concerns.

12. 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 Policy T6 appears less relevant as it appears to relate to developments, construction and other operations that affect the hierarchy of roads in the Borough rather than directly to advertisements.

Conclusion

13. 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