



Appeal Decision

Site visit made on 26 July 2021

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 19 August 2021

Appeal Ref: APP/H5390/Z/21/3270371

Belushi's Bar, 28 Hammersmith Broadway, Hammersmith, W6 7AB

- 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 G Leuzzo, Blow Up Media UK Ltd against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2021/00006/ADV, dated 23 December 2020, was refused by notice dated 2 March 2021.
 - The advertisement proposed is a temporary decorative scaffold shroud screen advertisement comprising a coloured 1:1 image of the building façade with an inset advertising area measuring 11.6 m x 7.8 m for a period of 8 months.
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Decision

1. The appeal is dismissed.

Main issue

2. Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations (2007) states that decisions on advertisements should be confined to issues of amenity and public safety. No concerns have been raised in respect of public safety or that aural amenity is likely to be compromised, and I see no reason to come to a different conclusion.
3. The main issue is therefore confined to the effect of the proposal on the visual amenity of the area.

Reasons

4. The appeal site is an ornate, 5-storey Grade II listed building facing a busy road junction, opposite an entrance to Hammersmith tube station and the Broadway shopping centre. It is flanked by curved shopping parades, including the locally listed Broadway Chambers. The ground floor of the host building is used as a bar and the upper storeys by St Christopher's Inn hostel.
5. The base of the proposed PVC shroud would be approximately 5.2 metres from the ground and would entirely cover the building above this, including the chimneys. An image of the underlying building would be printed on the centre of the shroud, with a 'commercial area' 11.6 metres wide and 7.8 metres high. No details of the advertisements are available, only that they would be changed approximately once a fortnight and that the space would be in use on 'average' three quarters of the time.

6. Regulation 3(2) states that relevant factors for assessment of visual amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest, although this list is not exhaustive. The character of the area immediately around the site is established by the tall, curved architecture of the listed and locally important buildings around the busy road junction, and low level advertising, largely confined to shop fascias.
7. The site is central to the Hammersmith Broadway Conservation Area (CA). The character profile¹ for this part of the CA highlights the concentration of listed buildings and buildings of merit that are important in townscape terms, and the historical importance of the area in the context of the development of Hammersmith. Key buildings form important features in views within, and into the Broadway. The character profiles states that careful consideration should be given to the number and location of street signs, so as to avoid clutter.
8. The proposed 1:1 image of the building is attractive and would be a visual improvement on a blank shroud. However, most of the time this would be largely covered by the advertisement space, which stretches across almost the entire width of the building and over 3 floors above street level. The size of the advert would dominate the junction, and this change in appearance would be evident when approached from any direction. The proposal is not in scale or in keeping with the area's distinguishing features and would cause a harmful departure from the prevailing, low-level commercial character of the area.
9. Although the Grade II listed host building would be completely covered, the large advertisement would be within the setting of Buildings of Merit, including the adjacent Broadway Chambers, 14-26 Hammersmith Broadway and the Broadway Arcade. For the reasons above, I consider that the proposed advertisement would overwhelm and distract from the Buildings of Merit and would therefore harm the amenity and significance of the CA, which would not be preserved or enhanced.
10. I acknowledge that the advertisement would be installed for a temporary period of 8 months, but I conclude that it would cause harm to the visual amenity of the area during this substantial period, and the perception that the character of the area has negatively changed could endure longer than this.
11. The appellant has drawn my attention to permanent, large scale digital advertising in the wider area. However, these examples are associated with the dual carriageway, flyover and bus station, which are of different character to the Broadway. They are also largely standalone installations, separate from buildings. For these reasons, I do not find that they set any form of precedent for the current proposal.
12. I acknowledge that a permission was granted for a similar shroud in 2010² and this is a material consideration. However, this was over ten years ago, it is no longer extant and there does not appear to have been significant advertising on the building in the interim. In addition, I do not have details of the Council's deliberations at the time. For these reasons the weight given to the earlier decision is limited and insufficient to outweigh the harm identified.

¹ Conservation Area Character Profile, Hammersmith Broadway (1997)

² 2010/01366/ADV (14 July 2010)

13. An extract of an unreferenced appeal decision regarding shroud advertising has been brought to my attention by the appellant. I agree with the observations made by the Inspector in the section provided, including that the impact of advertising is temporary and can provide interest. However, the Inspector caveats this to say that the impact of advertisements on nearby valued landscapes and buildings should not be overwhelming, which for the reasons above, I find to be the case here. Similarly, the unreferenced example at Holland Park Drive provided in the appellant's statement appears to face the large Holland Park Roundabout on the side of a dual carriageway and is therefore in a different setting. In addition, a large part of the shroud permanently retains the image of the most interesting façade, without being covered by advertising.
14. I appreciate that plainly shrouded scaffolding is not particularly interesting, and that a visual void is created, but this is not a compelling reason to allow an advertisement of such a scale that the visual amenity of the streetscene is overwhelmed.
15. It is suggested that the pandemic has resulted in loss of business and boarding up shops, and that the advertising would help rejuvenate the town centre economy post lockdown. I did not observe boarded up shops nearby and have no evidence that businesses in the area are struggling from the effects of the pandemic, nor an explanation of how this advertising would help rejuvenate the town centre.
16. The advertising would have static, external illumination towards the top of the building at 3 metre intervals. Although listed in the reason for refusal, the Council is content that illumination could be appropriately controlled using a condition and I see no reason to come to a different conclusion.
17. I have taken into consideration policy DC9 of the Hammersmith and Fulham Local Plan (February 2018) which seeks to protect amenity, taking into account character and scale, and so is material in this case. Given I have concluded that the proposal would harm amenity, the proposal conflicts with this policy.

Conclusion

18. The advertisement would cause harm to the visual amenity of the area, including the Hammersmith Broadway Conservation Area. I conclude that the appeal should be dismissed.

B Davies

INSPECTOR