

Appeal Decision

Site Visit made on 22 September 2021

by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2021

Appeal Ref: APP/H5390/Z/21/3274326

20 Fulham Broadway, London SW6 1AH

- 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 BLOW UP MEDIA UK LTD against the decision of London Borough of Hammersmith and Fulham.
 - The application Ref 2021/00712/ADV, dated 3 March 2021, was refused by notice dated 29 April 2021.
 - The advertisement proposed is a temporary decorative scaffold shroud wrap advertisement comprising a 1:1 image of the building facade with an inset area for advertising and public information measuring 18.3m x 10.9m for a period of 11 months during works with external illumination (optional).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). Whilst I have had regard to the revised national policy as a material consideration in my decision-making, in this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on this matter, and that no party would be disadvantaged by such a course of action.

Main Issues

3. The main issues are the effect of the advertisement on:
 - i) the visual amenity of the area including the effect on the character and appearance of the Walham Green Conservation Area (the CA); and
 - ii) public safety.

Reasons

4. The Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.

Visual amenity

5. The Planning Practice Guidance sets out that in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate

neighbourhood of an advertisement, and the local characteristics of the neighbourhood should always be considered. The Framework sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.

6. The appeal site relates to a 5/6 storey building. At the time of the site visit works were being undertaken to it. It had scaffolding covered in a plain white shroud. The site is located in an area where commercial uses are prevalent. Shops and other businesses are located at ground floor level. Signage associated with these ground floor uses are typically fascia and projecting signs located above the ground floor entrances and windows. There are some advertisements above this level. This is typically at about first floor level and consists of projecting and banner/flag signs. The area is commercial in character with advertisements typically associated with this. However, the scale of the advertising is modest in character and almost entirely limited to ground and first floor level.
7. The advertisement within the shroud would be very large taking up close to 4 storeys of the building and a significant width of the elevation. It would be so significantly out of scale with the existing advertising in the locality and discordant in terms of its siting that it would be harmful to visual amenity. Some benefits would arise from the section of the shroud which would represent an image of the building and the provision of public information and there would be some economic benefits associated with the advertisement. Given the scale of it and by association the scale of the harm, these factors would not outweigh this.
8. Reference has been made to an appeal decision where the Inspector found that scaffolding advertising had become a typical part of a busy urban street scene. However, that decision was clear that the individual circumstances of the case need to be considered including, for example, whether the impact of the advertisement would be overwhelming. This would be the case with the appeal scheme.
9. For these reasons the advertisement would harm the visual amenity of the area and fail to preserve or enhance the character or appearance of the CA. There would be conflict with Policies DC8 and DC9 of the Hammersmith & Fulham Local Plan, February 2018 (the Local Plan) which seeks to ensure that heritage assets are conserved, advertisements be in scale and in keeping with the character of their location, and that shroud advertising should not impose a detrimental impact on the building or street scene in terms of size. There would also be conflict with Key principle AH2 of the Planning Guidance Supplementary Planning Document (the SPD) which seeks the conservation of heritage assets.

Public safety

10. The appeal site is located adjacent to the A304, which is identified as a London distributor road. There are traffic light controlled pedestrian crossings close to the building when approaching it from either direction. Both are located close to junctions with side roads.
11. Although a fairly continuous flow of traffic was observed during the site visit, the road network is not complex, and the signage, road markings and traffic lights are clear and simple to understand. The advertisement would be sited above the traffic lights. It would not obscure or conflict with these. Although

very large, the advertising would display a static image. Large scale advertising seen from the highway is not unusual. The road layout, traffic controls and junctions are simple and easy to navigate such that a static image would not cause undue distraction. The Council has indicated a need for a highway safety assessment. However, given the circumstances of the site, a reasonable judgment can be made based on the current evidence.

12. For these reasons the advertisement would not result in any harm to public safety. There would be no conflict with Policies DC9 or T6 of the Local Plan which seeks to ensure that advertisements do not have an unacceptable impact on road safety or prejudice the effectiveness of the road. There would also be no conflict with Key principle TR28 of the SPD which requires that applications for advertising adheres to Policy DC9.

Conclusion

13. For the reasons given above I conclude that the display of the advertisement would be detrimental to the interests of visual amenity. Although I have found there would not be harm to public safety, this is a neutral matter in the overall consideration of the appeal, and it does not mitigate or outweigh the harm identified. The appeal should be dismissed.

K Taylor

INSPECTOR