

Appeal Decision

Site visit made on 8 March 2022 by M Long

Decision by S Ashworth BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th April 2022

Appeal Ref: APP/H5390/Z/22/3290778

567-569 Fulham Road, Fulham, London SW6 1ES

- 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 Justin Myers against the decision of The London Borough of Hammersmith and Fulham.
 - The application Ref 2021/03403/ADV, dated 19 October 2021, was refused by notice dated 16th December 2021.
 - The advertisement proposed is a temporary decorative shroud comprising a 1:1 image of the building façade with an inset advertising area measuring 5.2 metres x 6.8 metres.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The Town and Country Planning (Control of Advertisements) (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.

Main Issue

4. The main issue is the effect of the proposed advertisement on the visual amenity of the area and on public safety.

Reasons for the Recommendation

5. The appeal site is in the Walham Green Conservation Area where special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area. The appeal site relates to an attractive, four-storey, terraced building on the corner of Fulham Road and Harwood Road. To the immediate west is a busy junction with filter lights and well-used pedestrian crossings. This area has a largely commercial character and is mainly comprised of tall buildings with ground floor businesses; their height and close proximity to one another results in enclosed views of this space. There are some long-distance views of the appeal building's western elevation

when approaching along Fulham Road. Advertising in this area is primarily characterised by small-scale signage that is contained to the ground floor level. There is some high-level signage, however, it is not so prevalent that it forms a significant part of the character of the area.

6. The proposal is a temporary decorative shroud that would wrap the scaffolding required for the maintenance of the appeal building behind. The wrap would cover the west and south facing elevations, as well as its chamfered edge, and display a 1:1 image of the façade behind. The western face would have a large advertisement inset area with overhead lights, it would be positioned at the first and second floor level and have a substantial width that would cover the windows at this height. The inset would be most visible to those approaching from the west along Fulham Road.

Visual Amenity

7. 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 National Planning Policy Framework sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.
8. Although the inset would be a small proportion of the total wrap, the 1:1 image on the south elevation would be largely obscured to those approaching from the west and continuing eastwards along Fulham Road. When viewed from the junction, the inset would have a large scale on the wrap's visible western and chamfered faces. Its substantial size would cover significant fenestration details and would limit the visual amenity benefits of the 1:1 image. As such, the inset would appear as an overly dominant addition to the streetscene and the enclosed views within the immediate junction area would exacerbate its overwhelming impact. While omitting the overhead lights from the scheme would reduce its prominence at night, this measure would not mitigate the harm that arises from the inset's dominant scale. The proposal's discordant design would not preserve the character of advertising in this area.
9. When viewed from the south, the 1:1 image would offer visual amenity benefits to the area. However, when the effect of both faces of the wrap are considered, these benefits would not outweigh the harm that arises from the unsympathetic design of the inset on the western face. Traditional scaffolding materials are not an unusual temporary feature in busy commercial areas and, in this context, would appear less conspicuous than the proposed inset. Moreover, the temporary nature of the appeal scheme would not negate the harm that would arise from its installation.
10. It is understood that consent for a shroud wrap with an illuminated advertisement panel at the appeal site was granted in 2008¹. From the submitted documents it appears the advertisement panel was modestly larger than the proposed inset. However, this consent was granted a significant number of years ago and for a time limited period, which has long since lapsed. There does not appear to have been any substantial advertising at this site since this consent was extant, and a further period of high-level and large scale advertising would neither preserve nor enhance the character or appearance of

¹ LPA Reference: 2008/01508/ADV

the Conservation Area. For these reasons, the earlier consent is given limited weight that would not outweigh the harm identified above.

11. My attention has been directed to a large digital display that is a short distance from the appeal site and which appears to have been applied for by the Council². Despite their close proximity, there are a number of discernible differences between this screen and the appeal scheme, including their design, scale and prominence within their respective surroundings. The digital screen does not provide a significant precedent for the proposed shroud in this context, even if its impacts would be temporary.
12. An extract from a previous appeal decision has been provided, in which a Planning Inspector considered a shroud advertisement to be acceptable, partly because such features have become typical of busy streetscenes. Nevertheless, the wording demonstrates that each scheme must be determined individually and, for example, such advertisements would only be acceptable where they would not overwhelm surrounding buildings. Given the above, in this case, the appeal scheme would have an overly prominent appearance.
13. For the above reasons, the proposal would result in harm to the visual amenity of the area. As such it would be contrary to the Hammersmith & Fulham Local Plan, adopted February 2018, specifically Policy DC9 which seeks to ensure advertisement shrouds do not impose a detrimental impact on the streetscene. There would be further conflict with Policy DC8 which seeks to ensure that applications affecting designated heritage assets will only be permitted if the significance of the heritage asset is conserved or enhanced.

Public Safety

14. Given the inset's positioning, it would be mainly visible to those approaching from the west along Fulham Road. Due to the long-distance views, as well as the inset's height and large size, there would be sufficient time for motorists to assimilate the advertisement within their fields of vision. While the junction has high vehicle and pedestrian activity, approaching motorists would be adequately familiarised with the proposal before they reached this area, which would sufficiently mitigate its potentially distracting effects.
15. Therefore, the proposal would accord with Policy T6 of the Hammersmith & Fulham Local Plan, which seeks to prevent development that would prejudice the effectiveness of London distributor roads to distribute traffic to and around local areas. It would also accord with Policy DC9 which seeks to ensure advertisement shrouds do not impose a detrimental impact on public safety. As such there would be no conflict with Key Principle TR28 of the Planning Guidance Supplementary Planning Document 2018, which seeks to ensure planning applications for advertising adhere to Local Plan Policy DC9. Nevertheless, the lack of harm identified against the proposal's impact on public safety would not outweigh the harm to the visual amenity of the area.

Other Matters

16. A number of economic benefits arising from the proposal have been suggested, particularly in the context of the Covid-19 economic recovery. However, the benefits arising from a single advertisement, such as the proposed scheme, would be limited and would not offset the harm to the area's visual amenity.

² LPA Reference: 2020/02525/ADV

Recommendation

17. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR