
Appeal Decision

Site visit made on 8 March 2022 by M Long

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2022

Appeal Ref: APP/H5390/Z/21/3281363

Belushi's Bar, 28 Hammersmith Broadway, Hammersmith, London 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 Giovanni Leuzzo (Blow Up Media UK Ltd) against the decision of The London Borough of Hammersmith and Fulham.
 - The application Ref 2021/00716/ADV, dated 4 March 2021, was refused by notice dated 26 July 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 8m wide x 7m high for a period of 8 months.
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Decision

1. The appeal is allowed and consent is granted for a temporary decorative scaffold shroud screen advertisement comprising a coloured 1:1 image of the building façade with an inset advertising area measuring 8m wide x 7m high for a period of 8 months. The consent is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The advertisement hereby granted express consent shall be permanently removed and the use of the site for the display of advertisements will be discontinued 8 months after the first display of the advertisement, or upon completion of the external building works, whichever is the sooner.
 - 2) The 8 month consent period shall begin from the first display of the advertisement or from 6 months from the date of this decision, whichever is the sooner.
 - 3) The advertisement hereby granted express consent shall contain no external lighting.

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 proposal on the visual amenity of the area.

Reasons for the Recommendation

5. The appeal site is in the Hammersmith Broadway Conservation Area where special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area. The site relates to a tall, Grade II listed building with an ornate façade and bar premises at ground floor level. The building faces towards a busy road junction that is controlled with traffic lights. The surrounding area has a busy, commercial character that includes Hammersmith Station and a number of tall buildings typical of an urban centre. There are a number of historic buildings in this immediate area, including a Grade II listed public house and Buildings of Merit such as Broadway Chambers and Broadway Arcade. In this location, advertising primarily relates to low-level signage associated with the ground floor businesses, however I noted some high-level and large scale advertisements in the wider area.
6. The proposal is a temporary scaffold shroud which would cover the appeal building's façade above ground floor level and extend to the full height of the chimneys. The shroud wrap would comprise a 1:1 image of the ornate façade as well as a commercial area that would measure approximately 8 metres wide and 7 metres high. The commercial area would be positioned centrally at first and second floor level and cover the central windows and notable decorative arch feature at this height; it would be illuminated by overhead lighting.
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. A recent scheme for a scaffold shroud at this site was dismissed at appeal and was considered to contain an overly large commercial area¹. The revised appeal scheme, however, would include a significantly reduced commercial area that would relate sympathetically to the 1:1 image. In particular, the wrap would display the large windows on either side of the advertisement at first floor level, the bay windows at second floor level as well as the third floor windows and roof level features, including the clock. A substantial amount of the ornate façade would be displayed and this would have a satisfactory balance with the size of the commercial area, which would offer overall visual amenity benefits. Although the large size and high-level design of the commercial area would depart from this location's general character of advertising, this would be sufficiently mitigated by the visual amenity benefits of the overall scheme, as well as its time limited nature.
9. The appeal building contributes positively to this part of the Conservation Area and the 1:1 representation of a substantial amount of its façade would better preserve the appearance of the streetscene than traditional scaffolding materials. As such, it would not have a detrimental impact upon the nearby listed building and Buildings of Merit. The proposal would meet the aims of Key

¹ APP/H5390/Z/21/3270371

Principle AH2 of the Hammersmith & Fulham Planning Guidance Supplementary Planning Document 2018, which seeks the conservation of heritage assets, as well as Key Principle CAG3 which seeks development that is sympathetic to the built context of conservation areas. Key Principle AH1 requires applicants to submit details regarding the significance of affected heritage assets and their setting. While limited, given the scale and temporary nature of the appeal scheme, the submitted information is sufficient to reach an informed decision.

10. The plans include overhead lighting that would illuminate the commercial area and not the 1:1 imagery. As such, the benefits arising from the 1:1 image, which are fundamental to the acceptability of the scheme, would be negated at night and result in an overly prominent commercial area. The appellant has expressed a willingness to omit these lights from the scheme and, for these reasons, this would be necessary to preserve the visual amenity of the area.
11. Given the above, the proposal would not result in harm to the visual amenity of the area. It would therefore accord to the Hammersmith & Fulham Local Plan, adopted February 2018, specifically Policy DC9 which seeks advertisement shrouds that would not impose a detrimental impact on the building or streetscene and Policy DC8 which seeks to ensure applications affecting designated heritage assets conserve their significance.

Other Matters

12. The supporting text of Policy DC9 states that advertisement shrouds on heritage assets will only be acceptable where the revenue generated directly contributes to the restoration of the heritage asset. However, there is nothing to indicate this would not be the case and the scheme is for a time limited period. Although a relevant consideration, this matter relates to supporting text and is not decisive in determining the proposal's impact upon visual amenity.
13. Concerns have been expressed that consent has not been granted for works such as the potential replacement of the roof covering, windows and rooflights. However, not all works require listed building consent or planning permission and, in this case, the schedule of works suggest that consent may not be required for some of the works. Therefore, any lack of consent is not decisive in the determination of the appeal.
14. Given that the previous advertisement shrouds at this site were granted consent and displayed a significant number of years ago, the proposal is not considered to be unreasonably repetitive or have a harmful cumulative effect.
15. The Decision Notice does not refuse the proposal in terms of public safety, yet the Officer Report indicates that a satisfactory Highway Safety Assessment report would be necessary. However, no details have been provided as to why the submitted information was insufficient to determine the scheme's effect on public safety. The advertisement would be static and non-illuminated, thus limiting its potentially distracting impacts. While facing onto a busy junction, the traffic lights would sufficiently control the traffic and open views of the site would allow motorists to assimilate the display within their fields of vision. Moreover, large advertising is present in the wider area and so the display would not appear particularly unexpected or distracting to passing motorists.

Conditions

16. The five standard conditions as set out in the Regulations will apply.
17. The acceptability of the advertisement shroud is due to its temporary nature, and an 8 month period appears reasonable in line with the submitted schedule of works. Therefore, a condition should be attached to ensure the advertisement is displayed for the agreed time period as this provides certainty. It would also be reasonable, as suggested by the appellant and addressed in the Regulations, that the 8 month period does not commence immediately given that a lead-in time for works is usually required. A relevant condition is recommended to provide clarity and precision.
18. As mentioned above, a condition to omit the external lighting from the proposal is considered necessary to preserve the visual amenity of the area at night.
19. The Council has suggested a condition to ensure that no advertisement is fixed to the Grade II listed building. However, the plans clearly indicate the scaffold shroud would wrap around the scaffolding and so this condition is not considered necessary.

Recommendation

20. There has been no harm identified with regards to the visual amenity of the area, or with regards to public safety. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

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

K Taylor

INSPECTOR