



Appeal Decision

Site visit made on 17 February 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 14th April 2022

Appeal Ref: APP/H5390/Z/21/3283742

131 Dawes Road, London SW6 7EA

- 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 P Rusinek against the decision of the Council of the London Borough of Hammersmith and Fulham
 - The application Ref 2021/01974/ADV dated 15 June 2021 was refused by notice dated 4 August 2021.
 - The advertisement proposed is described as '3m x 2.5m advertisement, billboard type in compliance with policy DC9 on ground floor flank wall - see drawing 1391 / 1 and covering letter'
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Regulations, National Planning Policy Framework and Planning Practice Guidance state that advertisements should be subject to control only in the interests of public safety and amenity. I have taken into account Policies DC1 and DC9 of the Hammersmith and Fulham Local Plan, February 2018 (the Local Plan). These seek to protect amenity and so are material in this case but are not determinative in reaching a decision on the appeal. While the Council has referred to Key Principle TR28 of the Hammersmith and Fulham Planning Guidance Supplementary Planning Document, February 2018 this relates primarily to public safety, which is not an issue in this appeal.

Main Issue

3. The main issue in this case is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

4. The appeal site comprises the narrow gable wall of an end of terrace property with a painted historic advertisement at first and second floor level. The surrounding area is characterised by a mix of commercial and residential units, with evidence of shop front signage at street level, primarily along the front elevations of buildings. While other forms of advertisements have been present on the gable wall in the past, currently only the painted historic advertisement forms part of the character of the wall, and no evidence of deemed consent for other advertisements has been provided.
5. The proposal would be located at ground floor level on the gable wall. No evidence has been submitted of historic advertisements that have replicated

this positioning. While this siting would limit potential views of the proposal in the wider area it would remain particularly prominent in the immediate surrounds, especially when travelling east along Dawes Road.

6. Due to its dimensions, the proposed advertisement would dominate the lower section of the gable wall. It would span the entire width of the narrow site, appearing contrived and squeezed onto the gable end. As such, it would read as a prominent addition that would fail to respect the modest scale and dimensions of the building, resulting in a detrimental impact on both the building itself and the streetscene.
7. Although described by the appellant as a traditional framed billboard, it would nonetheless be at odds with the historic lettering above due to its more modern nature and appearance. This would create a busy and visually jarring gable end, with the proposal failing to reflect the current character and therefore appearing discordant in context.
8. While other ground floor signage exists nearby, this is largely limited to shop signs along the front elevations of commercial units. The proposal would be the only ground floor display advert of its nature in the immediate area, and larger in size than much of the surrounding unit signage. As such, overall it would appear as an incongruous feature in the streetscape.
9. For the reasons given above I therefore find that the proposal would have a harmful effect on the visual amenity of the area. Given that I have concluded that the proposal would harm visual amenity, it conflicts with Policies DC1 and DC9 of the Local Plan, which seek to promote good design.

Other Matters

10. The appellant's frustrations with regards to incorrect change in description by the Council are acknowledged. However, this does not affect my considerations of the planning merits of this case and, for the avoidance of doubt, I have dealt with this appeal on the basis of the submitted plans and the description given in the application form.
11. The appellant has suggested a willingness to a condition relating to the materials to be used for the proposal. However, given the surrounding context and the overall scale and prominence of the proposal, such measures would not be sufficient to avoid the harm to visual amenity identified.

Conclusions

12. Having had regard to all matters raised, the appeal should be dismissed.

C Rafferty

INSPECTOR