



Appeal Decision

Site visit made on 19 June 2023

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 July 2023

Appeal Ref: APP/H5390/Z/23/3317080

West Kensington Court, Edith Villas, London W14 9AG

- 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 the London Borough of Hammersmith and Fulham Council.
 - The application Ref 2022/01763/ADV, dated 17 June 2022, was refused by notice dated 15 February 2023.
 - The advertisement proposed is the temporary display of an externally illuminated shroud advertisement onto the proposed scaffold fronting both North End Road and Cromwell Road elevations measuring 7.6 metres (height) X 19.9 metres (width).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity I have used a description of the advertisement from the Council's decision notice. This clarifies that the appeal relates to a proposed advertisement and not the scaffold with a shroud image of the building.

Main Issues

3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised only 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.
4. The main issues are the effect of the proposed advertisements on:
 - The character and appearance of the local area, with reference to the setting of a Conservation Area.
 - public safety as it relates to road users; and
 - The amenity of residential occupiers.

Reasons

Character and appearance

5. The proposal is for a 7.6 metres (height) X 19.9 metres (width) externally illuminated advertisement that would be positioned on the scaffolding during repair works to the façade of West Kensington Court. This is a substantial

mansion block located on the northeast quadrant of the junction of the A4 with North End Road.

6. The boundary of the Gunter Estate Conservation Area (the CA) at this point runs down North End Road Between West Kensington Court and the buildings on the opposite side of the street. To the North the boundary of the CA runs along the boundary of the appeal site with buildings that front both North End Road and Edith Villas.
7. In this context the proposed advertisement would appear prominently in views within the local area, including towards the CA from the junction of the A4 with North End Road. The significance of the CA is defined by its coherent streetscape and townscape, which stems from the consistency of design and architectural quality of its Victorian buildings and residential estate.
8. I find that the scale and illumination of the proposal would result in it appearing prominently within the context of the local area and particularly the Victorian properties that make up the adjacent CA. This undue prominence would result in moderate harm to the character and appearance of the local area. With my statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in mind, I further find that the proposal would result in moderate harm to the setting of the CA.
9. I am also mindful that the effect of the proposal on the local area and the setting of the CA would only be for a temporary period, indicated as being for a year. However, during this period the harm that I have identified would result from the proposal.

Public Safety

10. Planning Practice Guidance (PPG) states that all advertisements are intended to attract attention, however, those proposed at points where drivers need to take more care are more likely to affect public safety. It advises further that the main types of advertisement which may cause danger to road users are those that are illuminated and those subject to frequent changes of the display.
11. Whilst the proposed type of advertisement does not have a change of display, it would be externally illuminated and of significant size. Whilst this scale of externally illuminated shroud advertising are becoming common features in the centre of towns and cities, the proposed unit would be a prominent feature in the streetscape. Particularly so when approaching the building to which it would be attached from the A4 Talgarth Road at its junction with North End Road.
12. Whilst the wider local area already has large, illuminated poster and digital screen sites, particularly fronting the A4 corridor, the proposed externally illuminated advertisement would be of significant size and positioned directly facing onto a busy junction on a main arterial road. Its significant size would be unusual within the local streetscape and would draw the eye of road users during the daytime. When combined with external illumination its prominence would increase and therefore, there would be a corollary increase in visual interaction with the display by road users during the hours of darkness.
13. Whilst the proposal would have a static display, its scale and illumination has the potential to create visual confusion for road users and to distract motorists on this busy road on the approach to, and at the site of, the road junction. From my site visit it is evident that this is a busy road and junction environment, with

- significant numbers of pedestrians, buses and cyclists. This would pose a risk, particularly at the junction of these two streets, to pedestrians, cyclists and other road users.
14. The Council's decision notice makes mention of the lack of a road safety audit to facilitate assessment of the proposal in this regard. The appellant has provided me with a description of the roads that make up the junction along with their speed limits and their views as to the road related public safety risks. However, no road safety audit has been provided or any details of collisions, their causes or severity or the types of road users involved.
 15. As a result, I am unable to assess the proposal in relation to the existing road safety situation. My concern is that the proposal to be likely to be distracting for road users at a time when they should be paying due care and attention to the road related activity in its vicinity, particularly at the light controlled junction. As a result of the proposal the risk to highway safety would, therefore, be likely to increase and I consider that this would lead to an increase in the number of collisions in this area, and potentially their severity, especially for vulnerable road users.
 16. The appellant has drawn to my attention other advertisements along the A4 corridor and elsewhere. These would have been determined with regard to road safety on their own merits. I have, therefore, given these only moderate weight in my considerations and I have, as required of me, considered the proposal on its own individual merits in this regard.
 17. For the reasons given, I find that the proposal would result in substantial harm to public safety as it relates to highway safety and would, therefore, conflict with the National Planning Policy Framework (2021) (the Framework) and PPG in this regard.

Amenity of Residential Occupiers

18. From the material before me it would appear that the proposed advertisement would be in place during the whole period that repairs to West Kensington Court would be in progress. During this time, it would also appear that the residents of the building would remain in residence during the repair works.
19. Whilst the material used for the main scaffolding shroud would be light and perforate it would appear that the proposed shroud advertisement would be a different, thicker PVC material. As a result, the proposal would block more light and views than the main building shroud.
20. Although the proposal would be temporary, a period of a year is indicated, during this time the lack of outlook and significant reduction in daylight and sunlight would have a significant enclosing effect on the effected residences. This would be experienced by their residential occupiers as oppressive.
21. Whilst it would appear that the proposed material for the proposed advertisement would diffuse and transmit some light to the interior or residences, during the hours of darkness this would result in the external illumination of the proposal being evident to occupiers. This would be experienced by the affected residential occupiers as intrusive.
22. For these reasons I find that the proposal would result in substantial harm to the living conditions and residential amenity of affected residential occupiers.

Other Matters

23. The appellant has set out the role that the revenue from the proposed advertisement would play in funding repair works to West Kensington Court. Whilst the repair of a building that would improve its appearance and extends its life is of public benefit, the revenue from the proposal would, however, be predominantly a private benefit.
24. As part of their appeal decision the appellant has suggested a reduction in size of the proposed advertisement by approximately 40%. This does represent a significant reduction in size, which would result in the harm of the proposal to residential amenity affecting fewer residents. However, it would still result in substantial harm to the living conditions of those remaining residents affected.
25. The suggested reduction in size would likely result in the proposal being less prominent and distracting than at the originally proposed size. However, as there is no road safety audit or collision information before me, I am unable to make a full assessment as to its effect on the public safety of road users, and my concerns in this regard remain.
26. For the reasons given above, I find that the proposal would result in substantial harm to public safety and the amenity of residential occupiers. Further I find that the proposal would result in moderate harm to the character and appearance of the local area and the setting of the CA.
27. Although there are public benefits in the repair of the façade of West Kensington Court, the revenue benefits of the proposal would be predominantly private ones. The harms of the proposal that I have identified above would be for a temporary period rather than permanent. These benefits and temporary nature of the proposal do not outweigh the harm that I have identified.
28. For these reasons the proposal would not accord with key principles AH1, AH2 TR28 set out in the Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2018) and policies DC8, DC9, T6 and HO11 of the Hammersmith and Fulham Local Plan (2018), Policies T4, D3 and HC1 of the London Plan (2021) and sections 9, 12, 16 and the Framework. These collectively seek advertisements that do not constitute a road safety hazard and are not harmful to public safety or public amenity and that are not harmful to the character and appearance of local areas or to the setting of Conservation Areas.

Conclusion

29. For the reasons given and having regard to all other matters raised, the appeal is dismissed.

Victor Callister

INSPECTOR