



Appeal Decision

Site visit made on 11 October 2023 by M Long BA (Hons) MSc

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Appeal Ref: APP/H5390/Z/23/3316870

284-288 North End Road, Fulham, London SW6 1NH

- 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 Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2022/03673/ADV, dated 19 December 2022, was refused by notice dated 15 February 2023.
 - The advertisement proposed is a temporary decorative scaffold shroud advertisement (10.5 metres x 6.2 metres) set within a 1:1 image of the building façade.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The Government published on 5 September 2023 a revised version of the National Planning Policy Framework (Framework). Whilst I have had regard to the revised national policy as a relevant factor, in this instance, the issues most relevant to this advertisement appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

4. 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.
5. The Council has concluded that the advertisement would be acceptable in terms of public safety, and from the evidence before me I have no reason to disagree. Therefore, the main issue is the effect of the proposal on the visual amenity of the area.

Reasons for the Recommendation

6. The Planning Practice Guidance (PPG) 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. Factors relevant to amenity include the presence of any feature of historic interest, 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.
7. The site is on North End Road, a busy high street, and is adjacent to an attractive Grade II listed building that is set back from the highway. Advertising in this area is predominantly characterised by small-scale and low-level signage for individual shopfronts. The appellant has directed my attention to large, high-level advertisements close to the site. During the visit I observed the display at No 389, however there was no display in situ at No 401. Overall, large and high-level advertisements are not so prevalent that they form a significant part of the character and appearance of the area.
8. The large size of the advertisement inset would appear overly dominant within the streetscene and would be out of keeping with the prevailing character of advertising locally. Moreover, although it would be seen at an oblique angle in more distant views, its size and orientation facing onto the highway would make it significantly more prominent than the limited examples of larger and high-level advertisements in the wider vicinity, which are on the return frontages of side streets. The inset would cover a significant proportion of the total shroud wrap area, which would limit the offsetting benefits associated with the 1:1 imagery.
9. The set back of the listed building would prevent some wider views of it being seen together with the inset. However, when stood in front of the site, the inset's considerable size and height would dominate the view and impose harmfully upon the setting of the listed building. The redevelopment of the site will also affect the building's setting, however that effect has been found acceptable by the Council. Moreover, there is no substantive evidence before me that the new scheme will include an advertisement of the size or position proposed here. The proposed inset would be more harmful to visual amenity than a blank shroud, which would be less likely to draw attention away from the listed building. Therefore, there would be conflict with Key Principle AH2 of the SPD¹, which favours the conservation of heritage assets.
10. Although the 1:1 imagery would offer moderate amenity improvements through the screening of traditional scaffolding materials, for the reasons given above, the scale of the inset advertisement would be harmful to amenity. Traditional scaffolding shroud materials are not an unusual temporary feature in urban centres and so would appear less conspicuous than the appeal scheme. Furthermore, the exposed side elevation is proposed to be a plain shroud anyway. Therefore, the benefits of the proposed 1:1 image would not outweigh the harm identified to visual amenity. While the consent period sought would be temporary for 12 months, this would not sufficiently mitigate the harm that would endure for the duration of the display of the advertisement inset.

¹ Hammersmith & Fulham Planning Guidance Supplementary Planning Document 2018

11. Given the orientation of the inset, there would be no harmful long-range views from or into the Walham Green Conservation Area. As such, there would be no harm to its character and appearance. Concern has been raised that the proposed lighting may reduce the amenity of nearby residential homes. As the advertisement display would be static and lighting could be controlled by condition, in this respect, there would be no harm to residential amenity.
12. Nevertheless, the proposed advertisement would harm the amenity of the area. As such, it would not benefit from the support of Policy DC9 of the Hammersmith & Fulham Local Plan, adopted 2018, which states advertisement shrouds will be permitted where the advertisement would not impose a detrimental impact on the streetscene in terms of size. I have also taken account of Policy DC9, which seeks to conserve the setting of heritage assets, and so is also material in this case. Given that I have concluded the proposal would impose upon the setting of the Grade II listed building, there would be conflict with this policy.

Other Matters

13. The appellant has put forward an economic argument that the advertisement inset would provide revenue to fund the 1:1 imagery and assist in the development process, which they consider would enhance the amenity of the site. However, it has not been demonstrated that this funding is necessary to ensure development of the site, which is already underway. Therefore, I give this matter very little weight and it does not outweigh the amenity harm identified above.

Recommendation

14. 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

15. I have considered all the submitted evidence and my representative's recommendation and agree with the reasoning and recommendation set out above. The proposed advertisement would harm amenity, including the setting of the adjacent listed building. That harm would not be outweighed by the benefits of the 1-1 imagery also proposed, the economic implications or any other relevant factor raised. On that basis the appeal is dismissed.

L McKay

INSPECTOR