



Appeal Decision

Site visit made on 5 December 2023 by R Dickson BSc (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2024

Appeal Ref: APP/K5600/Z/23/3326290

91-97 Fulham Road, Kensington and Chelsea, London SW3 6RH

- 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 Occhio Lighting UK Limited against the decision of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref CA/23/02352, dated 4 April 2023, was refused by notice dated 30 May 2023.
 - The advertisement proposed is described as 'display of front-lit internally illuminated fascia signage including an internal video wall'.
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Decision

1. The appeal is allowed and express consent is granted for the 'display of front-lit internally illuminated fascia signage including an internal video wall' as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:-
 - 1) The advertisements displayed shall be a series of static images only, which individually feature no moving or apparently moving images including flashing, scrolling three dimensional or video elements.
 - 2) The minimum display time for any advertisements shall be 10 seconds and the change between advertisements shall be instantaneous.
 - 3) The advertising display shall contain no moving images, animation, video or full motion images, or any images that resemble road signs or traffic signals.
 - 4) The intensity of the illumination shall be no greater than 300 candelas per square metre during the hours of darkness and 600 candelas per square metre at all other times.
 - 5) The advertising display shall have a default mechanism to display a black screen in the event of any malfunction.

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.

Preliminary Matters

3. The description of the advertisement relates to a fascia sign and internal video wall. The fascia signs are considered appropriate by the Council, and I have no reason to disagree. I have therefore focussed my recommendation on the internal display screen only. During my site visit, the advertisement was in place and functioning. I have considered the appeal accordingly.

Main Issue

4. The effect of the proposal on the visual amenity of the area.

Reasons for the Recommendation

5. The application site is a commercial ground floor unit, which is part of a six-storey building, with residential flats above. The building is a mid-century addition to the generally older and busy streetscape. The shop front has been updated recently. Many of the buildings on Fulham Road are similar, in so far as they are older, with residential accommodation above, and a more modern ground floor retail frontage.
6. The shop frontage has a modern appearance that contrasts the residential flats above, as well as the other buildings in the area. The design of the existing frontage lends itself to the large advertisement, causing it to not look out of place. Furthermore, the advertisement is situated within the shop set back from the front window and as such does not form part of the frontage that is first glanced at. During my site visit it was evident that there is a significant amount of glare on the windows, preventing full view of the advertisement which lessens its immediacy and therefore overall effect, causing it to have a recessive appearance.
7. Accordingly, the proposed advertisement would not result in unacceptable harm to the visual amenity of the area. The Council has drawn my attention to Policies CL1, CL2 and CR4 of the Royal Borough of Kensington and Chelsea Local Plan 2019 which collectively seek to ensure that proposals respect the existing context, character and appearance of the area. Whilst I have taken them into account insofar as they are material considerations, they have not in themselves been decisive.

Other Matters

8. There are some nearby listed buildings, including Grade II listed Micheline House and nos 1-14 Pelham Crescent which are grade II* listed. The former has retail use at ground floor level, but is separated from the appeal site by a side street. The latter listed building is opposite the appeal site, and is screened by a small park and mature trees. As a result, neither of the two listed buildings are seen in the same context as the appeal site, therefore the advertisement would have very limited effect thereon.

Conditions and Recommendation

9. The main parties have suggested conditions relating to the control of illumination, moving images and the frequency which the displays change. In the interests of public (highway) safety and visual amenity I consider such conditions to be necessary. I have modified their wording to comply with the

six tests. Subject to these conditions, the standard ones and the reasons above, I recommend the appeal be allowed.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, subject to the conditions set out.

John Morrison

INSPECTOR