



Appeal Decision

Site visit made on 5 February 2024

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2024

Appeal Ref: APP/H5390/H/23/3329489
587-591 Fulham Road, London SW6 5UB

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Mr Sam Harrison King Media Ltd against the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2023/00317/ADV is dated 9 February 2023.
 - The advertisement proposed is a shroud advertisement.
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Decision

1. The appeal is dismissed and advertisement consent is refused.

Preliminary Matters

2. I have had regard to the revised National Planning Policy Framework (the Framework) in reaching my decision. In respect of the main issue, the revised Framework has not changed national policy. Consequently, no party has been prejudiced by the revision.
3. Although the Council did not make a decision on the application, they advised they had produced an officer report. This identified that had it been in a position to do so, it would have refused the application in the interests of amenity. A similar application was dismissed at appeal¹ on the grounds of amenity and public safety. I have had regard to that insofar as it is material to the case.
4. The Council, in the officer report evidenced, do not object to the effects of the proposal on public safety. There is nothing to lead me to a different conclusion in the evidence before me.

Main Issue

5. Based on the above, the main issue is the effect of the proposed advertisement on amenity.

Reasons

6. The appeal site is a mid-property located in a prominent position on the busy and vibrant Fulham Road across from Jerdan Place. The site falls within the Primary Shopping Area of Fulham Town Centre, which is identified in the London Plan as a Major Town Centre. No 587-591 is typical of the buildings

¹ Appeal Ref: APP/H5390/Z/20/3256882

located on the southern side of Fulham Road between the junctions with Effie Road, Argon Mews, and Barclay Road. The proposal seeks to erect an unilluminated shroud advertisement set within an illustrated scaffold shroud, for a temporary period. The micromesh scaffold shroud would depict a 1:1 the appeal building.

7. The Council has identified 587-591 Fulham Road as a locally listed Building of Merit, and I have no substantive evidence to disagree with this. The appeal site is also within the Walham Green Conservation Area (CA) and across Fulham Road are groups of Grade II Listed Buildings at 9-15 Jerdan Place and 17, 17A and 19 Jerdan Place.
8. The settings of these listed buildings and the CA, and the contribution they make to the significance of those assets, in so far as relating to this appeal, is derived in part from the quality and detailing of historic buildings and the cohesive character of groups of mostly three and four storey buildings, which combine into frontages to define attractive streets, spaces and views. Occupying commercial space at ground floor, the upper floors of the appeal building displays consistent, well aligned and attractive fenestration, which is a predominant characteristic of the buildings in the immediate area. The appeal building therefore makes a positive contribution individually, but also as part of the impressive row of buildings along Fulham Road.
9. My attention has been drawn to the Planning Practice Guidance² (PPG). This states that buildings which are being renovated or are undergoing major structural work and which have scaffolding or netting around them may be considered suitable as temporary sites for shroud advertisements or large wrap advertisements covering the face, or part of the face, of the building.
10. However, the PPG advises that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural, or similar interests. Furthermore, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This statutory duty also applies in advertisement appeals insofar as it relates to the consideration of amenity. Therefore, the effect on the CA is a relevant factor to the consideration of the effect on amenity, as is the effect on listed buildings.
11. Advertising in this area is primarily characterised by small-scale signage just above ground floor level and predominantly in the form of fascia signs and small projecting signs. Given the predominance and pattern of fenestration upper floors are also largely void of solid building mass and advertisements. There is some discrete high-level signage, particularly around Fulham Broadway, however, it is not so prevalent that it forms a significant part of the character of the area. Despite the town centre location the advertisement would appear as an incongruous feature in the area.
12. Despite the 37% reduction in size, the advertisement would cover a significant portion of the host building. No 587-591 is also sited within a prominent location and the development would be very readily apparent from the public domain. The position of the appeal building directly on to the narrow footway and the proximity of the advertisement would have a significant influence on

² Paragraph: 005 Reference ID: 18b-005-20140306

the streetscene, which can be seen within views towards and from the listed buildings on Jerdan Place.

13. The scale and siting of the proposed advertisement would also not respect the scale, proportions, architectural detailing and design of the appeal building and the adjacent properties. The advertisement would, by its very nature, be a focal point on the building and would detract from these features, and those on neighbouring buildings. The reduction in size and absence of illumination would not prevent it appearing dominant.
14. The hoarding behind the advertisement would reflect the appearance of the building underneath and would shield the public view of the building works and scaffolding behind it. Although scaffolding is not particularly attractive, it would not actively detract from the listed building underneath. There is also no certainty that any advertisement would only be in place for half the time of the building works.
15. Moreover, whilst the approved development works to the building would further the aims of the relevant policies relating to heritage and would thus create some public benefit, there is no substantive evidence how the revenue from the temporary advertisement to the necessary scaffolding would contribute to that benefit. The benefits would be outweighed by the harm that would result from the incongruity and dominance of the inset advertisement which would have a harmful effect on amenity in this sensitive location.
16. To conclude, the introduction of a large shroud advertisement in such a prominent location would detract from the appreciation and have a detrimental impact on the heritage assets and their setting. I therefore conclude that the proposed advertisement would have a harmful impact on amenity.
17. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material. The proposal would be in conflict with the amenity protection and heritage conservation and enhancement aims of Policies DC8 and DC9 of the adopted Hammersmith and Fulham Local Plan (February 2018) and the associated guidance in Key Principles AH1 and AH2 of the adopted Hammersmith and Fulham Planning Guidance Supplementary Planning Document (February 2018).

Other Matters

18. Although there are other examples provided by the appellant, I have not been provided with details of the surrounding context or if they were granted consent. In some cases the shrouds do not have extensive advertisement upon them. In all cases the proposals would have required site specific judgements to be made. In any event, I am required to reach conclusions based on the individual circumstances of this appeal. The absence of objections are also neutral matters.
19. The appellant suggests the proposal would be a sustainable form of development in compliance with the Framework. However, the Framework shares similar aims to the development plan. It follows that there would also be conflict with the Framework section 12, which requires advises the quality and character of places can suffer when advertisements are poorly sited and designed. Hence, I find that the policies of the Framework taken as a whole, do not weigh in favour of allowing the appeal.

Conclusion

20. For the reasons set out above, the proposed advertisement would be harmful to amenity. Therefore, the appeal should be dismissed and advertisement consent refused.

K Williams

INSPECTOR