

Appeal Decision

Site visit made on 28 May 2024

by Les Greenwood MRTPI

an Inspector appointed by the Secretary

Decision date: 18 June 2024

Appeal Ref: APP/H5390/Z/24/3338242

18 Dawes Road, London SW6 7EN

- 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 Hely Beauty Ltd against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2023/02613/ADV, dated 6 October 2023, was refused by notice dated 1 February 2024.
 - The advertisement proposed is an A1 pavement sign 1150mm x 786mm.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. In the appeal documents the appellant proposes an alternative location for the proposed pavement sign, nearer to the kerb. That siting, was not, however, part of the application as considered and publicised by the Council and the alternative siting would be outside of the application site. The Council has had no opportunity to comment on the alternative siting. In order to avoid prejudice to others, I must consider this appeal on the basis of the plans submitted to and refused by the Council. I make no comment on the alternative proposal.

Main Issues

3. Advertisements are subject to control in the interests of amenity and public safety only. The main issues in this case are the effects of the proposed sign on: (i) the visual amenity of the local area including the Walham Green Conservation Area; and (ii) highway safety.

Reasons

Visual amenity

4. 18 Dawes Road sits on the fringe of the Fulham town centre, within the designated town centre area. There is a nail bar at ground floor level and a beauty salon, Hely Beauty, in the basement. At present, Hely Beauty has no signage identifying it to customers or passers by. The proposal is to place a non-illuminated sign board on the pavement to the front of the ground floor premises and parallel to the building frontage. The sign would not be fixed but weighted down by a water filled base.

5. The town centre is notable for a vibrant mix of uses and signage, including many other similar pavement signs. The proposed sign is small in size and of standard materials. It would be discreetly sited directly in front of commercial premises. The provision of 1 small sign for this business is reasonably proportionate, would be in character with the local area and would not be visually dominant or create excessive visual clutter.
6. I conclude that the proposed sign would not harm the visual amenity of the local area and would preserve the character and appearance of the conservation area. I find no conflict in this respect with policies DC8 and DC9 of the Hammersmith & Fulham Local Plan (LP), which aim to protect heritage assets and to ensure that advertisements are of a high standard of design, in scale and in keeping with the character of their location.

Highway safety

7. The pedestrian pavement in front of No 18 forms one of the principal pedestrian routes into the town centre, from the nearby residential area and bus stops. It can therefore be expected to have heavy foot traffic at times. It is comparatively narrow, much narrower than the Council's guideline for town centre streets as set out in Key Principle TD29 of its Planning Guidance Supplementary Planning Document (SPD).
8. The existing obstructions in this stretch of pavement, including light poles, a waste bin and a bus stop, are all positioned near to the kerb. Although no other pavement signs were in place at the time of my site visit, near midday on a weekday, the appellant has provided photos showing 2 portable pavement signs nearby, one for the ground floor business at No 18. These were also sited near to the kerb so that they more or less aligned with the fixed obstructions.
9. The proposed sign, even though set parallel to the frontage, would still effectively narrow the already restricted pavement here by around half a metre. Because the sign would be out of alignment with other obstructions, pedestrians would have to zig zag around obstacles, potentially stepping into the carriageway if the pavement is crowded. Although the Council has not submitted any evidence to show that accidents have been caused by other pavement signs in the town centre, I look at this particular proposal in its own context. I do not find the lack of general evidence of accidents to be a sufficiently convincing argument in favour of the proposed sign.
10. I conclude that the proposal would unduly prejudice the safety of pedestrians on the public highway. The proposal therefore conflicts in this respect with LP policies DC9 and T3 and the SPD, which aim to ensure that signs do not have an unacceptable effect on pedestrian safety.

Conclusion

11. I have had regard to local policies, as cited above. To be clear, however, powers under the advertisement regulations may only be exercised in the interests of amenity and public safety, taking account of material factors. Adopted policies are material factors but are not by themselves decisive. Although I find in favour of the proposal in respect of the first key issue, my concerns in regard to pedestrian safety are sufficiently compelling for me to conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR