



Appeal Decision

Site visit made on 8 June 2024

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 23 July 2024

Appeal Ref: APP/H5390/Z/24/3341150

Land at Wood Lane c/o Ariel Way London W12 7SL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by London Lites Ltd against the decision of London Borough of Hammersmith and Fulham.
 - The application Ref is 2023/00957/ADV.
 - The advertisement proposed is One freestanding LED digital Advertising Display 3m wide by 4.5m high. Internally illuminated. Colours Vary.
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Decision

1. The appeal is allowed and express consent is granted for One freestanding LED digital Advertising Display 3m wide by 4.5m high, internally illuminated, at Land at Wood Lane c/o Ariel Way London W12 7SL in accordance with the terms of the application, Ref 2023/00957/ADV, dated 14 April 2023. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the following additional conditions:-
 - 1) The LED screen hereby granted express consent shall, notwithstanding the period set out in the decision, be permanently removed and the use of the site for the display of advertisements discontinued upon the first occupation of Block D, being that development referred to in permission Ref: 2016/03944/VAR approved 4 July 2017 or equivalent permissions for the location identified as 'D' in the Westfield London Development Planning Parameters Report dated August 2016 at drawing W2-WEL-ZA-00-DR-A-08010 Rev A.
 - 2) There will be no illumination of the display between the hours of midnight and 6 a.m.
 - 3) The maximum luminance proposed for the advertisement will be 300 cd/m² at night time and 600cd/m² during daylight hours.

Main Issues

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) sets 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.

3. The material submitted for the purposes of this appeal relate to matters of visual and residential amenity, as, following amendments which raised the height of the display, it is not disputed that the advertisement would cause no harm to highway safety. Consequently, and having regard to the likely implementation of extant planning permissions for residential development in proximity to the appeal site I consider the Main Issues to be the effect of the proposed advertising display on:
 - visual amenity of the area and
 - living conditions of neighbouring users.

Reasons

Visual amenity

4. The proposed display would be placed within an area of newly constructed public realm adjacent to, and on the south side of, the Hammersmith and City underground line viaduct (H&C viaduct) at the point where that line crosses Wood Lane by means of a prominent wide-span steel bridge. The display would be visible to northbound traffic on Wood Lane and users of the public realm, including Ariel Way and the associated bus station all within the setting of the large Westfield retail centre which lies to the south. The Wood Lane Conservation Area (WLCA) and the Grade II listed Television Centre are located on the north and north-western side of the H&C viaduct which, my observations direct, provides clear visual separation from the area within which the display is proposed. The Dimco building which lies between Ariel Way and the Westfield Centre is visually separated by intervening elements. The display would not be prominent in any normal view from the north and unlikely to affect the experience of the heritage assets identified. Having regard to the provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I conclude that the appeal site is within neither the setting of the WLCA nor of other nearby designated heritage assets namely the listed television centre and the Dimco Building.
5. The appellant suggests there is 'no recent relevant planning history for the site' however there are a number of planning permissions which introduce a large number of residential units, some in close proximity¹ to the proposed display. The appeal site lies within the extensive White City Regeneration Area which is designated for a substantial residential-led mixed use development encompassed in a sequence of planning permissions including for a residential building of up to 12 storeys² defined as 'Plot D' which lies immediately to the south of the appeal site.
6. Although the details of the proposed building (reserved matters) have yet to be determined, it is clear from the Westfield London Development Planning Parameters Report (2016) that the proposed display would be prominently

¹ Plot 'D' being at a distance of 21.2 m measured from the face of the viaduct according to Parameters Plan W2-WEL-ZA-00-DR-A-08005 Rev A; consequently, based on the plans provided the façade of block D will be much closer to the display.

² Specifically 2016/03944/VAR approved 4 July 2017 and Westfield London Development Planning Parameters Report dated August 2016

visible from any windows facing north that might serve the expected significant number of residential units within the plot D building.

7. Having regard to the matter of visual amenity, until the development of Plot D takes place, the proposed LCD advertising display would address a wide open area of public realm, across Ariel Way and Bus Station towards the Westfield Centre which has a distinctly urban commercial character with a number of advertisements visible. The proposed display would present illuminated static advertisements that the appellant indicates would change virtually instantly at set intervals. The level of luminance of these screens would be adjusted to ambient light levels set at a height of 4m (total height of 8.5m) such that it would correspond to its backdrop of rail infrastructure, being viewed within a busy commercial area with other display advertisements and usual urban elements such as street furniture, retail signage, lighting and highway paraphernalia. The appellant indicates that the display would be dark between midnight and 6 am which broadly corresponds to the closed hours for the Hammersmith and City Line against which the display would be seen and when the immediate area would be at its quietest.
8. I consider, having regard to its positioning and the scale of surrounding structures and buildings (including the H&C viaduct against which the display would be seen) that the advertisement would not be visually incompatible with the character of the area within which it would be located and would not conflict with the objectives of Policy DC9 of the Hammersmith and Fulham Local Plan (2018) (H&FLP) which seeks that advertisements should be in scale and in keeping with their location.

Residential amenity

9. A residential building (Plot H) is approaching completion on the west side of Wood Lane opposite the Bus Station, in a location which is partly screened by established trees and at some distance from the appeal site. Overall, the proposed display would contribute to a generally vibrant commercial character of an area which is busy with all types of town-centre activity including motorised and non-motorised movement through the day and evening.
10. Taking all these factors into account, the introduction of the proposed display would result in a minor, and not unacceptable, degree of change to the existing urban character of the area as it appears at the date of my site visit. The cumulative impact of the display would not be intrusive to occupiers of Plot H if adjusted, as the appellant intends, to ambient lighting conditions and 'dark' at night when the area would be more quiet.
11. However, although the date of implementation of Block D is not known, the consequence of its highly probable, eventual, construction would be a significant change in the character of the area around the appeal site. The LED display would thereby be positioned unacceptably close to residential units arranged within that building particularly those with a northern outlook facing the H&C viaduct. Notwithstanding the intended 'dark' period and control of ambient light levels, the presence of a changing internally illuminated colour display would harmfully impact the living conditions of occupiers who might be only a few metres away in some parts of that building.

Conclusions

12. I have concluded the proposed advertisement would not cause unacceptable harm to visual amenity of the area within which it is located, nor would its introduction unacceptably harm the living conditions for occupiers of the yet-to-be occupied 'Block H' or the wider area. However, as my reasoning explains, that would not be the case for occupiers of the proposed Block D due to its close proximity. Therefore, although it would not be appropriate to allow the display to remain in place when that development is occupied, the display could be made acceptable until that situation arises by suitable conditions to control luminance, hours of operation and to require its removal prior to first occupation of Plot D.
13. The appellant has referred to the potential benefits of the proposal including reduced paper waste and fuel and energy saving compared to older illuminated and non-illuminated advertisement methodologies. These benefits are, however, theoretical, as the proposal does not replace older or more traditional advertisements and therefore attract very limited weight in my considerations.
14. Consequently the appeal is allowed subject to the standard conditions for advertisements with additional conditions as suggested to limit the hours of use and its removal upon first occupation of Block D.

Andrew Boughton

INSPECTOR