



Appeal Decisions

Site visit made on 8 July 2024

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2024

Appeal A Ref: APP/H5390/W/24/3341543

Outside 1 Kings Mall (Opposite 85 King Street), King Street, Hammersmith, London W6 9HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by JCDecaux UK Limited against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref is 2021/03493/FUL.
 - The development proposed is the installation of a free standing street hub unit with a telephone to replace the existing telephone kiosk following the removal of the existing kiosk outside of 22 King Street. (Amended site location).
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Appeal B Ref: APP/H5390/H/24/3341546

Outside 1 Kings Mall (Opposite 85 King Street), King Street, Hammersmith, London W6 9HW

- 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 JCDecaux UK against the decision of Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2021/03494/ADV.
 - The advertisement proposed is the display of an internally illuminated LCD digital advertisement screen to the rear of the proposed street hub unit. (Amended site location).
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. Appeal A seeks planning permission for a free standing street structure that includes a communications hub with information touchscreen, free telephone calls to landlines, free ultra-fast Wi-Fi, USB charger, defibrillator and, on the other side, an internally illuminated LCD digital advertisement display screen. Appeal B seeks advertisement consent for the digital advertisement screen.
4. In relation to the appeal for advertisement consent, Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states that a local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.

5. The first reason for refusal for both appeals is essentially the same and concerns the effect of the proposal on the character and appearance of the area. I will consider both appeals together under this issue.
6. Additionally, the planning application (Appeal A) was refused on grounds that the proposal would fail to provide a high quality pedestrian environment and would be prejudicial to the safety and free flow of pedestrian traffic within Hammersmith Town Centre. However, the advertisement proposal (Appeal B) was not refused on the grounds of road or public safety, and I have found no reason to disagree. Accordingly, I have treated the issue with Appeal A, not as a matter of public safety in the sense of Regulation 3(1), but in terms of the pedestrian environment and the free flow of pedestrian traffic and related safety in relation to the structure itself.

Main Issues

7. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including any effects on the setting of the Hammersmith Town Hall Conservation Area (the Conservation Area), and
 - whether or not the proposal would be conducive to a high quality pedestrian environment having regard to the free flow of pedestrian traffic and related safety within Hammersmith Town Centre.

Reasons

Character and appearance

8. King Street in Hammersmith is a busy and vibrant shopping street. It is lined by shops and similar commercial establishments, with the buildings on the northern side often more modern and taller than the properties on the southern side of the road. The commercial buildings have a range of advertisements on the buildings themselves, including some higher up the buildings. There is also a number of street advertisements, some with digital displays and some as part of phone kiosks which I saw at my site visit.
9. The proposed street hub unit would be sited on an area of more open footway, although the evidence indicates that part of the open space is private land. It would be located to the west of a section of the footway which is reasonably cluttered, including with seats, planters and bike stands. There is also a small row of trees within this space.
10. When coming from the east, just after this cluttered area, the footway opens up for pedestrians and it is within this area where the street hub unit would be sited. It would, therefore, extend the area of street clutter.
11. Furthermore, an important aspect when travelling in this broadly westerly direction, towards the street hub unit, is the view of the road gently curving around to the right. With the proposed street hub unit reasonably close to the edge of the pavement, the structure with the digital advertisement would appear as a somewhat separated, overly prominent and quite sizeable feature which would obscure some of the longer distance views up the road. In these circumstances, the structure would appear from a number of places for pedestrians in this area as an unduly bulky, interrupting and discordant addition within this part of the footway, and the advertisement would be an

unsympathetic feature that would unacceptably detract from the amenity of the area.

12. I appreciate that there are commercial buildings with adverts in the general area of the site and in a visually busy street scene. I also accept that the views from the west towards the street hub unit would not be materially affected because the street hub unit would have a more immediate back drop of the trees and other buildings such that it would not appear overly prominent from that direction. Nevertheless, in the context of this particular part of the street when moving towards it from sections of the footway from the east, for the reasons explained, the street hub unit with the digital advert screen facing the east would be an overly prominent and harmful addition to this part of the footway and, therefore, would not be in keeping with its location.
13. The proposal involves the removal of an existing hub unit with its static advert. However, this unit is located in a discreet position further to the east, and while its removal would be welcomed, it would not compensate for the harm that the structure and advertisement would cause further to the west.
14. The reasons for refusal also identify harm to the Conservation Area. The proposed street hub unit lies outside the Conservation Area with the corner of this designated heritage asset located towards the middle of the road. The significance of the Conservation Area in this area stems from the mainly three storey traditional Victorian buildings which form an attractive street scene. The proposed street hub would be located on the other side of the road from these buildings and I consider that it would not be experienced in association with or adversely affect the setting of the Conservation Area. The proposal, in this respect, would preserve the character and appearance of the Conservation Area and not adversely affect its significance as a heritage asset.
15. Nevertheless, for the reasons I have explained, I conclude that the street hub unit would unduly harm the character and appearance of the area, and in terms of the tests for the advertisement it would unacceptably detract from the visual amenities of the street scene. As a consequence, the proposal would conflict with Policy D8 of the London Plan and Policies DC1, DC9 and DC10 of the Hammersmith & Fulham Local Plan 2018 (the Local Plan) which, specifically in terms of advertisements, requires a high standard of design which should be in scale and keeping with the character of the location.
16. I find no conflict with Policy DC8 of the Local Plan or Key Principles CAG2, CAG3, CAG5 and CAG6 of the Hammersmith & Fulham Planning Guidance Supplementary Planning Document 2018 (the Planning Guidance SPD) as these policies and principles concern works in conservation areas and I have found no harm to the Conservation Area from the street hub unit or advertisement in this regard.

Pedestrian environment

17. The proposed street hub unit would add to the area of clutter in this part of the footway but would be located where there is some width to the pedestrian areas. While I note that some of this space falls under private ownership at the entrance to this part of the shopping mall, there is nevertheless a fairly good area for pedestrian movement, even at very busy times. The minimum width requirements for street furniture set out in Key Principle TR29 of the Planning Guidance SPD would appear to be met and the space in the vicinity of the

street hub unit would be satisfactory even having regard to a high level of footfall.

18. Some walkers may need to alter their preferred desire line when walking along this side of the footway when travelling in either direction. However, they would also need to manoeuvre past the obstructions, such as the bike stands, trees and seats, to the east of the proposed street hub unit. I do not consider that the position of the street hub unit would materially prejudice the safety or free flow of pedestrian traffic within this part of Hammersmith Town Centre. It would, for instance, not be necessary for pedestrians to step into the road to avoid the structure.
19. I therefore conclude that the proposed street hub unit would not detract from a high quality pedestrian environment and related safety when having regard to the free flow of pedestrian traffic within Hammersmith Town Centre. In this respect, the scheme would comply with the requirements of Policies T1, T2 and D5 of the London Plan 2021, Policies T1, T3 and DC10 of the Local Plan and Key Principles TR22 and TR29 of the Planning Guidance SPD which seek, amongst other things, to maintain and increase the opportunities for safe walking within the Borough.

Conclusion

20. The street hub unit would provide a range of public benefits including those I have listed in paragraph 3 above. While I appreciate that mobile phones are near universal, I do not under estimate that on occasion the charging facility, the free wi-fi and the information screen would be of value. Furthermore the unit would be powered from a green energy source. I especially consider that the incorporation of the defibrillator would be a substantial public benefit. Nevertheless, the street hub unit does not necessarily have to be positioned in this precise location and the same benefits could be realised in a more sensitive position or with an alternative approach to the provision of these facilities.
21. I therefore consider that the public benefits should afford only moderate weight and would not outweigh the harm to the character and appearance of the area that I have identified. Planning conditions could not overcome this harm. That the structure would not adversely affect the free flow of pedestrian traffic is neutral in the overall analysis.
22. In terms of the planning application, the harm and related policy conflict would be such that the scheme would not comply with the development plan when considered as a whole and material considerations do not indicate that the decision should be made otherwise than in accordance with the development plan. I conclude that the planning appeal should therefore be dismissed.
23. With the advertisement appeal, the display screen in this position would be unduly harmful to the amenity of the area and I conclude that this appeal should also be dismissed.

David Wyborn

INSPECTOR