



Appeal Decision

Site visit made on 24 September 2024

by U P Han BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th October 2024

Appeal Ref: APP/H5390/Z/24/3344071

513 Fulham Road, London SW6 1HH

- 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 Infinity Outdoor Ltd against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref is 2024/00269/ADV.
 - The development proposed is erection of a non-illuminated static banner advertisement (4.2m x 4.2m) on the flank wall of 513 Fulham Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the National Planning Policy Framework (the Framework) and the national Planning Practice Guidance (PPG) confirm that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest¹. Therefore, while I have taken account of the policies that the Council considers to be relevant, these have not been decisive in my determination of this appeal.
3. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers on the decision maker a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. This statutory duty applies in advertisement appeals insofar as it relates to the consideration of amenity. Therefore, I have had regard to this in determining the appeal. Although the statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) does not apply to this appeal, the setting of a listed building is likely to be a relevant material consideration when considering the effect on amenity.

Main Issue

4. The parties agree that the proposed advertisement would not be detrimental to public safety. Therefore, the main issue is the effect of the proposal on the visual amenity of the area including whether it would preserve or enhance the character or appearance of the Moore Park Conservation Area (the CA) and the setting of a Grade II listed building known as Sir Oswald Stoll Foundation.

¹ Regulation 3(2) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Reasons

5. The appeal site relates to a three-storey end of terrace building which fronts onto Fulham Road, near a junction with Britannia Road. The terrace contains commercial uses on the ground floor with flats above. The surrounding area incorporates a mix of residential, commercial, and educational uses. Britannia Gate to Stamford Bridge Stadium is also situated opposite the appeal site.
6. The CA, within which the appeal site is located, derives its significance from the historic development and architectural richness of the area, which is characterised by well-preserved examples of Victorian and Edwardian architecture and attractive streetscapes with mature trees and public spaces.
7. According to the Moore Park Conservation Area Character Profile (updated April 2008) (the MPCAP), the appeal site lies within Sub Area A Fulham Road, which is more commercial in character compared to Sub Area B, the main body of the conservation area, which is largely residential. I appreciate that long distance views of the proposed advertisement would be most prominent from Fulham Road within the commercial area. However, the flank wall of the appeal site, where the advertisement would be displayed, fronts onto Britannia Road, the majority of which falls in Sub Area B and is mainly residential in character. Due to the curvature of Britannia Road, and the size and elevated position of the advertisement, the proposal would be highly conspicuous and would appear dominant and incongruent in the predominantly residential street scene of that road.
8. My attention has been drawn to two previous appeal decisions at the appeal site. The 2012 appeal² related to an internally illuminated 48 sheet advertisement hoarding positioned between the first and second floor of the flank wall and the 2014 appeal³ related to an internally illuminated advertisement poster panel at the ground floor. The appellant suggests that both appeals were dismissed due to the proposed illumination of the advertisements. However, I have not interpreted these decisions as ones that found issue only with the illuminated nature of the proposed advertisements. Rather, the Inspector in 2012 found that the "high level advertisement hoarding is in a prominent position and is at odds with the general residential character of the area" and the Inspector in 2014 found that the proposal "would read as a part of this quieter side street rather than that of the busier and more commercial Fulham Road. I consider that in this context it would stand out as an anomalous and intrusive feature which would be out of keeping with the more residential character of the street and area." Despite the absence of illumination, the proposed advertisement would be significantly harmful to the visual amenity of the area due to its overall size, elevated position and location.
9. Close to the site, on the opposite side of Fulham Road, is Sir Oswald Stoll Foundation, a Grade II listed building (the listed building). Its significance stems from its special historic and architectural interest as an English Baroque style building originally built to house disabled ex-service personnel. Its gates, gate piers and railings are also listed and include a memorial of the wars and campaigns of the First World War which complement the design of the building.

² APP/H5390/H/152/2172712.

³ APP/H5390/H/14/2219083.

10. I am mindful of the Framework's definition of setting as being the surroundings in which a heritage asset is experienced. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. Intervisibility of the listed building and the appeal site is difficult to obtain from Fulham Road due to its curvature. However, given the length of the listed building along Fulham Road, the appeal site lies within the foreground of its setting when viewed from Britannia Road. Due to the appeal site's prominent corner location, and the size and elevated position of the proposed advertisement, the proposal would be obtrusive and harmful to the setting of the listed building.
11. The appellant has drawn my attention to a free standing single sided digitally illuminated screen on Fulham Road that was granted consent⁴ in 2016 and renewed⁵ in 2020. However, this advertisement is located further west, closer to the core of the commercial area, so is different in character to the location of the appeal site. Intervisibility of the listed building and the said advertisement is not easily achievable from either direction on Fulham Road. In any event, each scheme must be considered and determined on its individual merits.
12. For the above reasons, I conclude that the proposed advertisement would unacceptably harm the visual amenity of the area and would fail to preserve or enhance the character or appearance of the CA and the setting of the listed building. Hence, it would conflict with Policies DC1, DC8 and DC9 of the Local Plan (2018) insofar as they require development to respect and enhance its context, conserve heritage assets including their settings and conservation areas, and require advertisements to not adversely affect the character and appearance of the site and neighbourhood. The proposal would also be contrary to paragraph 141 of the Framework.

Other Matters

13. The appellant is critical of the Council's approach to other planning applications that have been allowed in the area and the consistency of its decision-making. However, these are primarily not matters for me to consider as part of this appeal. In reaching my decision I have been concerned only with the planning merits of the case.

Conclusion

14. For the reasons given above the appeal should be dismissed.

U P Han

INSPECTOR

⁴ 2016/04700/ADV

⁵ 2020/02525/ADV