

---

## Appeal Decisions

Site visit made on 22 January 2025

**by Alison Scott (BA Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 06 February 2025**

---

### **Appeal A Ref: APP/H5390/H/24/3349075**

#### **Pavement adjacent to 1 Hammersmith Broadway, Hammersmith W6 9DL**

- 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 JCDecaux UK Ltd against the decision of the Council of the London Borough of Hammersmith and Fulham.
  - The application Ref is 2021/03496/ADV.
  - The advertisement proposed is Display of an internally illuminated LCD digital advertisement screen to the rear of the proposed street hub unit.
- 

### **Appeal B Ref: APP/H5390/W/24/3349072**

#### **Pavement adjacent to 1 Hammersmith Broadway W6 9DL**

- 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 Ltd against the decision of the Council of the London Borough of Hammersmith and Fulham.
  - The application Ref is 2021/03495/FUL.
  - The development proposed is Installation of a free standing street hub unit with a telephone to replace the existing telephone kiosk.
- 

### **Decision**

1. The appeals are allowed in accordance with the conditions attached within the schedule.

### **Preliminary Matters**

2. As the proposal relates to both an advertisement and a planning permission for the proposed street hub, I have determined the appeals in one single decision letter.
3. I note the address of the site has been amended by the Council as well as the description. I have carried through the address as detailed within the appeal form submitted by the appellant which includes the description. I consider these to be acceptable and accurate to the proposal.
4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require decisions to be made only in the interests of amenity and public safety. Factors relevant to amenity are stated by the Regulations to include the general characteristics of the locality, including features of historic or architectural interest.
5. Since the appeal was submitted, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.

6. The site is located within the setting of both the Brook Green and Hammersmith Broadway CA and the setting of the Sacred Heart Convent and High School, a Grade II\* building. Therefore, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act (the Act).

### **Main Issues**

7. The main issues of the appeal are the effect upon amenity and highway safety and the effect upon the setting of the Brook Green and Hammersmith Broadway CA and the Grade II\* Sacred Heart Convent and High School.

### **Reasons**

#### *Amenity and effect upon significance and special interest of heritage assets*

8. The appeal site is located within the setting of the Brook Green Conservation Area, a Victorian expansion suburb of housing arising from improved transport links to the area. Its significance is derived from the harmonious blend and variety of very fine late 19<sup>th</sup> century ecclesiastical, educational and residential terraces that forms a visually cohesive townscape. Brook Green itself forms a verdant linear network of open space and is framed by a tight urban grain that forms a visually pleasant setting to both the buildings and the open space.
9. The appeal site is also located close to the Hammersmith Broadway CA with the area's built expansion most acute in the late 18<sup>th</sup> century and early 19<sup>th</sup> century. It has retained much of its historic form and layout with strong building lines defining the street space contributing to an enhanced sense of place. Its significance is derived in part from the historic buildings that encapsulate the town centre functions and convey a rich and varied tapestry of architectures across the CA that enhance its character and appearance.
10. In addition, the appeal site is located close to the Convent and school of the Sacred Heart (LB Reference 1192062). It is a former convent and still in educational service, built between 1899 and 1900 to a Tudor style with a dominant ecclesiastic influence and striking red brick façade with stone dressing framing windows and dramatic towering chimneys creates an impressive centrepiece to the local area. Its special interest lies in its architectural execution and historic interest that served the Catholic society where Catholicism was widely recognised within this part of the Borough during that period.
11. The appeal site is a wide expanse of public footpath within the large Hammersmith town centre. The local area is a busy thoroughfare due to the combination of traffic accessing the gyratory system and the commercial and retail context, and major transport hub. The footway where the proposal would be located various forms of information boards, street signage, cycle bays and various street effects associated with a high street environment. The pavement on this side of the road where the proposal would be sited is particularly wide and forms part of a wider strategic pedestrian network.
12. The proposal for a digital hub display would not look out of place in this context where digital adverts are a commonality, and I could see other larger scale digital advert displays located close by that are an inevitable part of a town centre location. It would be absorbed into the other street effects and street scene as a whole.

13. The proposal would be seen in the context of the setting of two conservation areas; Brook Green CA, and Hammersmith Broadway CA. It would also be within close quarters of the Sacred Heart Convent and High School, a Grade II\* building and the non-designated heritage asset of West London Hospital. The surroundings in which a heritage asset is experienced is not fixed and may change as the asset and its surroundings evolve. The setting the CA's and the listed asset are experienced within is one of a vibrant town centre location, dominated by main roads and a heavily trafficked environment which has a detracting effect upon the quality of their settings.
14. The proposal would be seen in views to and from all the heritage assets as well as the non-designated heritage asset. However, this needs to be appreciated in the round of the proposal's context where street effects such as digital displays are commonplace. The removal of the existing outdated kiosk and reinstatement of the land would amount to a small enhancement to the wider street scene and the degree of change that would arising from siting the hub here would be small as a whole. Therefore, I am not convinced that the installation of the proposal would materially detract from how the heritage assets are appreciated. It would result in a neutral effect upon how the heritage assets are experienced. Therefore, the desirability of preserving the listed building and its setting as well as the settings of the CA's is upheld in accordance with the Act. It would result in no material harm to the non-designated heritage asset, or to the wider amenity of the street scene.
15. On this basis the proposal would meet the expectations of Policies DC1, DC8 and DC9 of the Local Plan and Key Principle CAG2, CAG3, CAG6 of the Planning Guidance SPD only in so far as they relate to amenity and preserving the historic environment, as well as the Act.

#### *Public safety*

16. The proposed display would be positioned within a wide pavement. Whilst standing in approximately the position where the proposal would be located, I could see that pedestrians could easily pass one another without it potentially causing an impediment. Nor would it cause an obstruction to wheelchair users and people with prams and the like passing opposite one another.
17. It would be positioned close to the main road in view of passing motorists travelling in one forward direction. Its scale and method of illumination with changing display content would inevitably draw the eye of the passing motorists or cyclist. However, speeds along this part of the road are low and the use of traffic lights controls vehicular movement. In terms of blocking visibility, there are hatched lines along the road in front of where the proposal would be situated. Vehicles therefore stay within the carriageway and not within this space which I could see affords them full visibility of the road, crossing points and in sight of pedestrians. Therefore, visibility would not be impaired by the proposal and there would be no adverse effect on vehicular and pedestrian safety.
18. Overall, I find no reason to be convinced that it would lead to blocking lines of sight of pedestrians from the motorists therefore creating a hazardous blind spot, leading to public safety concerns. On the basis that public safety would be safeguarded, the proposal would accord with Policies T1, T2 and D5 of the London Plan (2021), Policies T1, T3 and D10 of the Local Plan (2018) and Key Principles TR22 and

TR29 of the Planning Guidance SPD (2018) only in so far as they relate to public safety.

### **Conditions**

19. I have reviewed the Council's suggested conditions as well as the appellants in light of the National Planning Policy Framework. The Planning Practice Guidance (the Guidance) refers to the 'six tests'. These conditions have been reviewed and amended as necessary.

### **Conclusion**

20. To conclude, the proposal complies with the development plan when taken as a whole. Appeals A and B are therefore allowed.

*Alison Scott*

INSPECTOR

## **Schedule of Conditions**

### **Appeal A APP/H5390/H/24/3349075**

The appeal is allowed and express consent is granted for the Display of an internally illuminated LED digital advertisement screen to the rear of the proposed street hub unit, at Pavement adjacent to 1 Hammersmith Broadway, Hammersmith W6 9DL in accordance with the terms of the application ref 2021/03496/ADV. 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 as well as the below conditions:

- 1) The illumination of the screens/advertisements hereby permitted shall comply with the recommendations of the Institution of Lighting Professionals in the 'Guidance Note 01/20: Guidance Notes for the Reduction of Obtrusive Light' and the 'Professional Lighting Guide No 5, 2014 - Brightness of Illuminated Advertisements. The illumination of the advertisement hereby approved shall not be intermittent and there shall be no changing light patterns. The digital display screen shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements). The minimum display time for each piece of content on the digital display screens shall be 10 seconds.
- 2) Any illumination of the advertisement hereby approved shall not be intermittent and there shall be no changing light patterns. The digital display screen shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements).
- 3) The interval between each piece of content on the digital display screen shall take place over a period no greater than one second; the complete screen

change with no visual effects (including swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of malfunction.

- 4) No content on the display screens shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulations Act 1984.
- 5) Prior to the first display of the advertisement hereby approved a management plan shall be submitted and approved by the Local Planning Authority in consultation with the Police Service concerning the use and operation of the public information display and telephone.

### **End of Schedule**

## **Schedule of Conditions**

### **Appeal B APP/H5390/W/24/3349072**

The appeal is allowed and planning permission is granted for a Free standing hub unit with a telephone to replace the existing telephone kiosk at Pavement adjacent to I Hammersmith Broadway, Hammersmith W6 9DL in accordance with the terms of the application ref 2021/03495/FUL. The permission is subject to the following conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawings: Site plan and images A01734 Rev B; Site E Hammersmith Gyratory Hammersmith Road; Existing Phone Kiosk; Communication Hub Unit; comparison elevations; footprint reduction. Part 2 Hub Unit Details.
- 3) No works above ground level in connection with the proposed development hereby approved shall commence until the existing phone kiosk has been demolished in full and the land shall be reinstated to the same condition as the adjacent land.

### **End of schedule**