



Appeal Decision

Site visit made on 31 January 2025

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Appeal Ref: APP/H5390/Z/24/3356079
78 North End Road, London W14 9ES

- 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 King Media Ltd against the decision of the London Borough of Hammersmith and Fulham Council.
 - The application Ref is 2024/02049/ADV.
 - The advertisement proposed is the display of an externally illuminated advertisement sign measuring 7 metres high by 8.12 metres wide within a temporary scaffolding shroud to the front and side elevations at the junction of North End Road and Talgarth Road, incorporating a 1:1 facsimile of the building and its architectural features printed on it, for a temporary period of eight months between 18th November 2024 and 18th July 2025.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the decision made by the Council on the application to which this appeal relates, the Government published a revised National Planning Policy Framework (December 2024) (the Framework). I consider that there have been no major changes relevant to the main issues in this appeal. It will therefore not prejudice any party by making my decision with regard to the revised Framework.

Main Issues

3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set 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.
4. The main issues are the effect of the proposed advertisements on:
 - The character and appearance of the appeal building and that local area; and
 - The amenity of residential occupiers.

Reasons

Character and Appearance

5. The proposal is for a 7 metres high by 8.12 metres wide externally illuminated advertisement that would be positioned on shrouded scaffolding including 1:1

facsimile of the appeal building. This appears to be a late 19th Century building, with many surviving original architectural features, particularly on the upper floors. It is in commercial use at ground floor with residential on the upper floors and sits on a corner plot on the south-west of the junction of North End Road and the A4.

6. Whilst there are large, illuminated adverts in the wider area, particularly along the A4, the level of signage and advertising in the local area if the appeal dwelling is relatively restrained and is predominantly associated with ground floor retail and commercial uses.
7. The appeal dwelling is located to the northern part of the Baron's Court Conservation Area (the CA), adjacent to its north and west boundaries. The Barons Court Conservation Area Character Profile (2005) identifies that the significance of the Barons Court Conservation Area is defined by the variety of residential developments which form cohesive groups, the open space of Hammersmith Cemetery, and the Barons Court and West Kensington Underground Stations, with streets that form an irregular grid pattern. There are several statutory listed buildings and locally listed buildings of merit. It further identifies that few alterations have taken place and the area as a whole retains its original character.
8. In line with the duty imposed on me by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the CA. As the appeal building is located across the street from the locally listed Non-Designated Heritage Assets (NDHAs) the 3 Kings PH and the West Kensington Underground Stations I have considered the effect of the proposal in line with paragraph 216 of the Framework accordingly.
9. A previous appeal¹ for a similar but larger advertisement on a scaffold with shroud was previously dismissed. This was on the basis of the effect of highway safety. In that instance the effect on character and appearance of the appeal building and that of the local area were found to be acceptable and no issues were identified with regard to living conditions.
10. The appellant submitted material at the application stage that has overcome the highway safety reasons for the refusal of the earlier appeal. The reduction in size of the proposed advertisement to that of the previous appeal proposal means that it would not cover over part of third floor windows or extend over the building façade to the extent as previously proposed.
11. However, whilst the proposed advertisement would not extend over the part of the building façade that faces directly onto North End Road as previously proposed, it would extend over the corner and A4 facing parts of the façade. I find that although smaller in size than that previously proposed, the corner location of the proposal, and its presence on the A4 facing façade, the proposed advertisement would appear prominently in views within the local area, especially from the northern side of the junction and towards the CA and the NDHAs identified above.
12. The appellant has stated the A4 (Talgarth Road) facing part of the building façade is secondary and less prominent than that part of the building façade facing North End Road. However, although differing, I do not find that either façade is less significant or secondary to the other in terms of the architectural expression and form of the appeal

¹ Appeal Ref: APP/H5390/Z/17/3176610

building. Further, I find that the A4 Talgarth Road façade position on the boundary of the CA makes not only a significant contribution to character and appearance of the appeal building but is more prominent and makes a greater contribution to the significance of the CA in extensive views from the North, where it would be seen in much wider views and in combination with the NDHAs. As such, it would be more apparent and more prominent in street views than the previous appeal proposal

13. In this context I find that the positioning, scale and illumination of the proposed advertisement would result in it appearing unduly prominent and as a dominating presence on the appeal building and in the local streetscape. This level of prominence would be to the detriment of the character and appearance of the appeal building as well as to the broader character and appearance of the local area. As such it would detract from the setting of the NDHAs and the significance of the CA and would not accord with Key Principles AH1 and AH2 of the Hammersmith and Fulham Planning Guidance Supplementary Planning Document (2018).
14. The appellant has stated that during the changeover between advertisements, indicated as every 14 days, the 1:1 facsimile shroud would be seen over the whole building without an advertisement. When the advertisement is in place the detrimental effects I have identified would, however, result.
15. Although I am mindful that the effects of the proposed advertisement that I have identified above would only be for a temporary period, during this period the harm that I have identified would also result.

Living Conditions

16. The proposed advertisement would be in place during the temporary period that the scaffolding and shroud would be on the appeal building. From the material before me it would appear that residents would remain in residence during that period.
17. The material to be used for the proposed advertisement would be a light and perforate material similar to that that would be used for the scaffolding shroud and would potentially not block more light and views than the shroud. However, as the proposed advertisement would be in close proximity the windows of dwellings at first and second floor level, its external illumination would cause a degree of light pollution that would be experienced by the occupiers of these dwellings as intrusive at night.
18. To ameliorate the effect of the proposed illumination the appellant has suggested a condition limiting the level of lighting and requiring that the proposed advertisement go dark after 10pm. However, there is nothing before me to indicate the level of lighting that would not result in unacceptable light spillage from an externally illuminated advertisement in such close proximity to the windows of dwellings up to 10pm. As such, I am not in a position to impose a condition that would overcome the harm I have identified. For this reason, I find that the proposal would be detrimental to the living conditions of occupiers of these dwellings. And although the proposal would be temporary, during this time this would be experienced by residents as oppressive.
19. For the reasons given above, I find that the proposal would result in substantial harm to the living conditions of residential occupiers and to the character and appearance of the appeal dwelling and that of the local area and harm to the setting of the NDHAs and would fail to preserve the significance of the CA. This would not accord with Policies DC1, DC8, DC9, CC12 and CC13 and HO11 of the Hammersmith and Fulham Local Plan (2018). These collectively seek advertisements that are in keeping

with the character of their location, having due regard to the importance of preserving or enhancing heritage assets and are not detrimental to residential amenity, including through light pollution and spillage.

Planning Balance and Conclusion

20. Although I find the harm to the CA is less than substantial. in accordance with the Framework, great weight should be given to its conservation as a heritage asset. In addition, I have given substantial weight to the effects on the character and appearance of the appeal building and that of the local area, and the setting of the NDHA's.
21. There are public benefits in the repair of the appeal building, the use of a 1:1 facsimile of the appeal building on the scaffold shroud that it would pay for and the involvement of a charity partner. However, the appellant has set out that repair of the appeal building without a facsimile shroud would be the fallback position and the other benefits are limited. The revenue benefits of the proposal would be predominantly private ones. The harms of the proposal would also be for a temporary period rather than permanent. I find that these benefits and temporary display of the proposed advertisement do not outweigh the harm that I have identified.
22. For the reasons given and having regard to all other matters raised, the appeal is dismissed.

V Callister

INSPECTOR