



Appeal Decision

Site visit made on 30 April 2025

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 May 2025

Appeal Ref: APP/H5390/H/25/3358920

202 Uxbridge Road, Hammersmith and Fulham, London W12 7JP

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Mr P Hulme (Global Street Art) against the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref is 2024/02914/ADV.
 - The advertisement proposed was described as '*proposed display of hand painted murals within limited area of the application wall*'.
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Decision

1. The appeal is allowed and express consent is granted for the display of hand painted murals within limited area of the application wall at 202 Uxbridge Road, Hammersmith and Fulham, London W12 7JP in accordance with the terms of the application, Ref 2024/02914/ADV, dated 13 November 2024. 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 condition:
 - 1) The advertisement permitted by this consent and any materials erected, installed or used principally for the purpose of displaying the advertisement shall be removed from site no later than 5 years from the date of this decision.

Preliminary Matters

2. This appeal arises as a consequence of the Council's failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement. Other than in response to a question on the appeal questionnaire, the Council's appeal submissions do not appear to acknowledge its failure to determine the application within the prescribed period. An officer report has been submitted which sets out a putative reasoning for refusal.
3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), the National Planning Policy Framework (the Framework) and Planning Practice Guidance (the Guidance) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council have referred to Policies DC8 and DC9 of the Hammersmith & Fulham Local Plan (2018¹) (the LP) and Key Principles BM1, BM2, AH1 and AH2 of the Hammersmith & Fulham 'Planning Guidance' Supplementary Planning Document² (SPD), being policies that it considers to be relevant to this appeal, in its officer report. Although I have taken these policies and key principles into account I have done so only insofar as they are material to matters of amenity and public safety, and they have not been decisive in my consideration of this appeal.

¹ February 2018

² February 2018

4. A new and updated version of the Framework was published on 12 December 2024. With the exception of paragraph numbering, the parts of the Framework most relevant to this appeal have not materially changed from the previous iteration. I have determined the appeal accordingly.

Background and Main Issue

5. The Council's putative reasoning for refusal is set out at paragraphs 3.5 to 3.10 of the officer report. With regard to public safety, the officer report does not cite any public safety concerns in relation to the proposed advertisement, nor is there any further evidence before me to indicate that it would cause a traffic, highway or other public safety issue. Following my assessment of the evidence and on-site observations I too am satisfied that there are no public safety issues arising from the display of the advertisement scheme.
6. Having regard to the above therefore, the main issue is the effect of the appeal signage upon amenity.

Reasons

7. The proposed advertisement would be displayed on the exposed gable end of a 4-storey terraced block. The block accommodates commercial uses at ground floor and is described as having residential uses on the upper floors. The commercial shopfront on the corner of the appeal property, below the proposed advertisement, wraps around the corner of the building onto its flank elevation.
8. The appeal site lies within a vibrant, commercial setting adjacent to the entrance to Shepherd's Bush Market station and the railway bridge over Uxbridge Road. Shepherd's Bush Market lies opposite on both sides of the bridge, Shepherd's Bush Theatre is also directly opposite the appeal site, whilst commercial and retail uses extend in both directions away from the appeal site along Uxbridge Road. There are two large poster advertisement panels on the bridge walls and smaller directional advertisements on wall dividing access lanes leading to buildings and premises located behind Uxbridge Road frontage properties.
9. The proposed hand-painted murals would be positioned within a 'display area' that would measure in the region of 5 metres in width by 7.5 metres in height. Its height would be such that it would span a large portion of the building's height above ground floor level. However, the display area would also be sufficiently inset from the margins of the building to ensure that a significant majority of the building's brickwork flank elevation would remain untouched by the proposed advertisement. Thus, the predominant red-brick façade of the building's elevation would remain a dominant feature of the building's character and appearance and would avoid the advertisement display itself becoming the dominant feature of the gable elevation.
10. Whilst I accept that the display area, and thus the artwork within it, would be of a considerable size it would be little different in these terms to other forms of advertisement, or indeed the visible remains of 'ghost' signs that can typically be seen in elevated positions on exposed gable and flank elevations. Shop frontage signage along this part of Uxbridge Road does not, typically, rise above ground floor fascia level. In the appeal site's case, the shopfront and fascia turns the corner onto the flank elevation. However, advertisements above fascia level are not entirely absent, as evidenced by the vibrant and colourful entrance signs to the Shepherds Bush Market, and on the Shepherds Bush Theatre's Pennard Road elevation.

11. Because of its location, the proposed advertisement area, would be clearly visible from the adjacent station platforms, and on approach via train from the south, from close quarters. However, longer views would be relatively limited despite the proposal's elevated siting due to, variously, the station platform buildings and structures or, from ground level, the railway bridge itself intercepting and partly obscuring longer views. In almost all contexts, it would be seen as part of a vibrant melting pot of signage and active commercial shop frontages.
12. The appeal site lies at a busy entrance point to the lively and vibrant commercial area surrounding Shepherds Bush Market station. The station, the businesses along Uxbridge Road in both directions and the Shepherds Bush Market itself, give the area a lively, bustling and vibrant feel which the appellant's stated aims for the advertisement appear to reflect. Whilst I note and appreciate that the Shepherds Bush Theatre is identified as being a designated Building of Merit, the proposed display's position on the flank elevation of the building, and limited or partly intercepted longer views of it along Uxbridge Road, moderate its relationship with, and effect on, the theatre building. As I am satisfied that the proposed display would be seen as a contributor to the bustling and vibrant nature and character of this part of Uxbridge Road, I am not persuaded that the proposed display would cause demonstrable or material harm to the setting of the theatre building whilst already sits within and amongst that context.
13. Moreover, the application of the advertisement's content would not be applied directly to the building. Instead, the mural would be painted on to a 'vinyl micro-film' capable of removal on the ending on each display period. Thus, what is proposed is essentially reversible and, should the appeal succeed the display could be fully removed once the standard five year period of consent has passed.
14. For the reasons set out therefore, I am satisfied that the appeal scheme would not cause harm to the amenity of the appeal site or the surrounding area and, as such, would preserve the character and appearance of the Shepherds Bush Conservation Area (the CA). The Council's officer report refers to LP Policies DC8 and DC9 and to SPD Key Principles AH1, AH2, BM1 and BM2 in concluding that harm would arise to amenity and the character and appearance of the CA. Together, these set out the Council's approach to seeking to secure good, high quality design and high standards of advertisements that are appropriate to their context and which preserves or enhances the borough's historic environment and its heritage assets. Whilst taking these policies into account so far as they are material, they have not been decisive and as I have concluded that there would be no harm to amenity, there would be no conflict with these policies or key principles.

Other Matters

15. The appellant sets out at considerable length the background to the current appeal scheme and application. It is therefore noted that an attempt was previously made by the appellant to obtain advertisement consent for the display of an advertisement on the appeal site in 2023³. I am advised that the application remains undetermined.
16. I have some sympathy with the appellant's situation and apparent difficulties in being able to engage the Council in dialogue and have noted references to a 'partially upheld' complaint, but these are not matters to which I have given any

³ LPA Ref No: 2023/00817/ADV

weight in my consideration of this matter. If the appellant's concerns in this respect remain, that is a matter to be pursued further with the Council.

17. Whilst the appellant's intent to ensure that the area of wall outwith the advertisement's display area would be maintained and kept free of tagging or other painting by way of condition is noted, such a condition would not fall within the scope of the Regulations. Furthermore, although concern has been expressed that the proposal would encourage graffiti, it is not explained how or why that would be the case. Nevertheless,, condition 3 of the Standard Conditions as set out in the Regulations requires that any site used for the display of advertisements, or the advertisement display itself, shall be maintained in a condition that does not impair the visual amenity of the site. I am satisfied that the standard condition is sufficient to achieve a similar outcome as that envisaged by the appellant.

Conditions

18. The Council have not suggested any additional comments beyond the five standard conditions set out in the Regulations, and the appellant has not provided comment on either the standard conditions, or suggested any further conditions. The period for consent to display that was applied for was for five years, which is also the standard period for any consent that might be granted.
19. By virtue of the provisions of Class 14 of Part 1 of Schedule 3 of the Regulations, an advertisement may continue to be displayed after the end of the period for which express consent was granted, unless to do so would contravene a condition subject to which express consent was granted⁴. Whilst I have concluded that the display of the proposed advertisement, in the form of hand-painted murals, would not cause harm to the amenity of the area, I am conscious of the potential changing nature of the mural. I am also mindful that the site lies within the Shepherds Bush Conservation Area. Furthermore, the nature of the proposed display is such that it would not be applied directly to the building and is therefore essentially reversible. As such, I consider it prudent to impose an additional condition requiring the removal of the advertisement display at the end of the consented period, in order to allow the effect of the changing hand-painted murals on amenity over the period of the consent to be reviewed.

Conclusion

20. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

G Robbie

INSPECTOR

⁴ By virtue of Class 14, paragraph 14(a)