
Appeal Decision

Site visit made on 20 February 2015

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 March 2015

Appeal Ref: APP/H5390/Z/14/3001131

1 King Street, London W6 9HR

- 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 Mr Charles Slevin against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2014/04570/ADV, dated 22 September 2014, was refused by notice dated 18 November 2014.
 - The advertisement proposed is the display of one advertising panel on a scaffold shroud fronting Blacks Road, Hammersmith Broadway and King Street for a temporary period of six months, all at 1-15 King Street, London W6 9HR.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed advertisement on public safety and visual amenity.

Reasons

Public safety

3. The site is close to a traffic light controlled junction that forms part of the busy Hammersmith Gyratory. It also fronts King Street, which is part of the strategic road network. Transport for London, as Traffic Authority, raises no objection to the proposal subject to conditions. Nevertheless the Council, as Highway Authority, has concern that the proposed advertising would be unduly distracting to oncoming traffic.
4. The Government's Planning Practice Guidance (the Guidance) lists the main types of advertisement that may cause danger to road users. The appeal display is not one of these examples. The Guidance does state that advertisements at points where drivers need to take more care, for example at junctions and roundabouts, are more likely to affect public safety. It adds that there are less likely to be road safety problems if the advertisement is on a site within a commercial locality, which would be the case here.
5. Although the new advertisement would be a prominent feature in the local street scene, it would not interrupt, block, or be confused with road signage and would generally benefit from some advance visibility. However, the display would be highly noticeable for users of Queen Caroline Street on the approach

to the signalised junction with King Street, hereafter called the junction, where I consider that road users need to take particular care.

6. On the immediate approach to this junction, Queen Caroline Street has a number of lanes with traffic emerging from Blacks Road adjacent to the site. The junction itself has multiple lanes across the carriageway and several exit routes thereafter. During the mid afternoon site visit, the Hammersmith Gyratory and nearby roads and footways were very busy. To my mind, this level of activity requires the concentration of drivers and cyclists to be maintained, particularly on the approach to the junction and the high volume of people that appear to cross the road at this point. I also observed that users of Queen Caroline Street frequently change lane on the approach to the junction ahead of queuing traffic. While the considerable volume of traffic may, at times, create relatively low speeds, drivers and cyclists approaching this junction require a high degree of attention to safely navigate it.
7. In that context, the size and prominence of the new advertisement would draw the eye and in my view it would be inappropriate in this location. That is because it would be a distraction to road users exactly at the point where full concentration on the road ahead is required even from drivers and cyclists that are taking reasonable care of their own and others' safety.
8. In reaching this conclusion, I note the reference made to the Council's recent decisions to grant consent for a new double-sided digital tower and renewal of a digital screen at Hammersmith Broadway and Buttermarket. These advertisements are similarly visible from busy roads. As I am not aware of the detailed circumstances of these schemes I am unable to draw meaningful conclusions from them in relation to this appeal. Reference is also made to the research commissioned by the Highways Agency that according to the appellant found no direct correlation between accidents and roadside advertising. Even so, I am not convinced that such a general finding therefore justifies a display that would cause material harm to highway safety.
9. Accordingly, I conclude that the proposal would be harmful to public safety. On that basis, it conflicts with SPD Transport Policy 35 of the Council's Planning Guidance Supplementary Planning Document (SPD), which aims to ensure that advertisements do not compromise public safety.

Visual amenity

10. Specific mention is made in the Guidance to shroud and large 'wrap' advertisements. It states that buildings that are being renovated or are undergoing major structural work and which have scaffolding or netting around them may be considered suitable as temporary sites for shroud advertisements or large 'wrap' advertisements covering the face of a building.
11. In this case, the site is within the Hammersmith Broadway Conservation Area (CA), which is predominantly commercial in character. The new advertisement would be a substantial feature on the scaffold safety screen, wrapping around the corner of the host building with a display above first floor level facing both Blacks Road and Hammersmith Broadway. That part of the shroud not covered by the advertisement would include a 1:1 replica of the building's façade.
12. Because the display would not be visually read with a significant number of other advertisements in the local street scene, it would not result in visual clutter, to which the Council refers. The backdrop to views of the

advertisement on the approach from the south would, however, include The Swan Public House, which is a Grade II listed building. Looking in the opposite direction from the junction, the listed St Paul's Church would also be evident in longer-range views. The character, appearance and setting of these buildings are important considerations in their own right and as positive contributors to the significance of the CA. From what I saw, the listed Hop Poles Public House on King Street would be less affected by the proposal given its position on the opposite side of the building to the proposed advertisement.

13. In my experience, the standard offering of netting or plastic sheeting can often present a drab and uninteresting elevation. In this case, it would create a void in a highly visible position close to a busy route in a vibrant commercial area, to its detriment. In contrast, the proposal would enliven the façade of the building and provide some interest in the street scene. As a temporary expedient, the proposal would be preferable to the appearance of a screen or sheeting on scaffolding in such a prominent position. To that extent, I share the findings of an Inspector in his consideration of a similar proposal on appeal at Shepherd's Bush Green, to which the appellant has referred.
14. Having regard to the above, the proposed advertisement, as an obviously temporary feature during the course of work to the building would not appear visually incongruous or, as part of the scaffold screen, be unduly obtrusive in the street scene. In my opinion, the character and appearance of the CA and setting of nearby listed buildings would thus not be materially harmed by its temporary presence.
15. I acknowledge the reference made to the Council's decisions to grant consent for temporary advertisements at the Lyric Theatre and 28 Hammersmith Broadway, and for four double-sided permanent digital screens around the Hammersmith Gyratory. From the information before me, none are directly comparable with the proposal, which I have assessed on its own merits.
16. Therefore, I conclude on this issue that the display is acceptable with regard to visual amenity. It does not conflict with the aims of Policies DM G7 and DM G8 of the Development Management Local Plan, Policy BE1 of the Core Strategy and SPD Design Policy 58 of the SPD. These policies aim to protect and enhance the Borough's heritage assets and to resist advertisements that are harmful to visual amenity. My favourable finding on this issue does not outweigh the harm that I have identified in relation to public safety.

Conclusion

17. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR

If you require an alternative accessible version of this document (for instance in audio, Braille or large print) please contact our Customer Services Department:

Telephone: 0370 333 0607

Fax: 01793 414926

Textphone: 0800 015 0516

E-mail: customers@HistoricEngland.org.uk