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# 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: 25 February 2015

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**Appeal Ref: APP/H5390/H/14/2227545**  
**Dorset Mansions, Lillie Road, London SW6 7PF**

- 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 Mark Wilkinson against the decision of the Council of the London Borough of Hammersmith and Fulham.
  - The application Ref 2014/03066/ADV, registered by the Council on 30 June 2014, was refused by notice dated 22 August 2014.
  - The advertisement proposed is an open weave mesh display banner upon a scaffold for a temporary period of 6 months during redevelopment work.
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## Decision

1. The appeal is allowed and express consent is granted for the display of an open weave mesh display banner upon a scaffold as applied for. The consent is for a maximum period of 6-months from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
  - 1) The advertisement shroud shall be removed at the end of the temporary period of express consent or when the external refurbishment works to the building have been completed, whichever is the earlier.
  - 2) The illumination of the advertisement display shall not be intermittent and there shall be no changing light pattern.
  - 3) The maximum luminance of the advertisement display shall not exceed 400cd/m<sup>2</sup>. □
  - 4) The advertisement shall not be displayed in illuminated form between the hours of 00:00 and 06:00 on any day.

## Procedural matter

2. The date of the application given on the forms lodged with the Council is 29 June 2015, which is obviously incorrect. The Council registered the application on 30 June 2014, which is reflected in the above header.

## Main Issues

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

## **Reasons**

### *Public safety*

4. The plans show that the base of the proposed display would be about 3.2m above ground level, which has been confirmed by the appellant. On that basis, the overhang of the advertisement above the adjacent footway would comfortably exceed the minimum vertical clearance of 2.6m, to which the Council refers. At that level, the advertisement display would not pose an obvious danger to users of the adjacent footway.
5. Therefore, I conclude on this issue that there would be no material harm to public safety as a result of the proposal. Accordingly, the display would not be against the interests of public safety nor would it be contrary to the aims of the planning policies cited by the Council in the second reason for refusal.

### *Visual amenity*

6. Specific mention is made in the Government's Planning Practice Guidance to shroud and large 'wrap' advertisements. The Guidance states that buildings which 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, or part of the face, of a building.
7. In this instance, Dorset Mansions is a substantial building that occupies a prominent position at a corner of the junction between Fulham Palace Road and Lillie Road. It is located close to but outside the Crabtree Conservation Area (CA) and the Lillie Road Recreation Ground. The advertisement, measuring some 8m by 22m, would be a sizeable feature on the scaffold safety screen facing the adjacent road junction. That the display would be inset into an open weave micromesh material in an elevated position would also ensure that it would be highly visible in both short and long-range views, especially from the south along Fulham Palace Road, the CA and the adjacent recreation ground. The considerable size and high level position of the display would cause it to be a visually dominant feature in the street scene to which it would belong.
8. Nevertheless, the advertisement would be displayed on a building that stands in an area of varied built form and mixed character that includes offices and retail uses, a petrol filling station as well as residential properties. In that partly commercial context, the display of advertisements is not an unexpected feature of the area. In my opinion, the alternative to the proposal is a drab and uninteresting façade of sheeting or a screen draped around scaffolding. While this arrangement may act as a visual harbinger of better things to come during the time it would be present, it would also have a dull and potentially untidy effect, creating a void in a highly visible position close to a busy route in an area with commercial elements within it. From what I saw, the current arrangement to screen the building while works take place detracts from the amenity of the area.
9. The proposal, on the other hand, would enliven the façade of the building and provide some interest in the street scene. The examples of shrouds with advertisements placed at a high level elsewhere provided by the appellant exemplify these points. Although the advertising would be harmful to amenity, as a temporary expedient, I consider that it would be far preferable to the appearance of a screen or sheeting on scaffolding in such a prominent position.

10. It is true, as the Council suggests, that there is no significant heritage benefit to arise from the proposal and that it lies close to the CA and a designated area of open space. However, the building is not listed, nor is it in the CA, nor close to buildings of acknowledged historic or architectural merit. From a major part of the adjacent recreation ground, the display would be visually read with the petrol filling station and its signage beyond. While the Council considers the renovation works to the building to be 'minor', the temporary scaffolding and screen or sheeting are clearly necessary to protect public safety while the building is being repaired and refurbished as outlined in the appellant's specification of works.
11. On balance, having regard to the above, the proposed advertisement, as an obviously temporary feature during the course of renovation 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 would thus not be materially harmed by its temporary presence.
12. Therefore, I conclude on this issue that the display is acceptable with regard to visual amenity and that it does not conflict with the underlying aims of the planning policies identified in the Council's first reason for refusal.
13. In reaching this conclusion, I have taken into account the indicative plan, which shows an area around the advertisement that is denoted '1:1 image'. However, this detail is not shown on the plans that accompanied the application and so I have assessed the proposal on that basis.

### **Conditions**

14. In addition to the standard conditions, to ensure that the display is only in place during the period of the works to the building, a further condition is required to ensure the display is removed at the end of the temporary period of consent or when the works have been completed, whichever first occurs. The temporary period of consent is 6-months, which reflects the time sought in the application and as stated in the appellant's grounds of appeal.
15. Conditions to limit the intensity and the hours of illumination are also imposed to ensure that the display is not overly bright or harmful to visual amenity. Notwithstanding the details given on the application form, to safeguard the amenity of the area, a condition is attached to prevent intermittent illumination of the advertisement and any changing light patterns.
16. Subject to these conditions, the appeal is allowed. It is unnecessary to attach conditions with regard to the size and type of advertisement displayed, as suggested by the Council, given that these details are shown on the plans.

*Gary Deane*

INSPECTOR

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