



Appeal Decision

Hearing held on 11 June 2013

Site visit made on 11 June 2013

by Joanna Reid BA(Hons) BArch(Hons) RIBA

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

Decision date: 20 June 2013

Appeal Ref: APP/H5390/H/12/2189346

Joe Cool's, 4 Fulham High Street, London SW6 3LQ

- 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 King Media Limited for Freegate Properties Limited against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2012/02625/ADV, dated 10 August 2012, was refused by notice dated 11 October 2012.
 - The advertisement proposed is a scaffold safety shroud with inset advertisement.
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect that the proposed advertisement would have on visual amenity and, thus, the character and appearance of the surrounding area, having regard to its siting on a Grade II listed building within the Bishops Park Conservation Area and within the setting of the Fulham Gardens Conservation Area.

Reasons

3. The listed building is prominently sited by the back edge of the pavement in Fulham High Street, at the roundabout junction of Fulham High Street, Fulham Palace Road and Fulham Road. The immediate area has a mixed use character including commercial and residential uses, and the listed building is towards one end of a shopping parade. The special architectural interest and the significance of the listed building include that it is a large Edwardian purpose-built Scottish Baronial style public house.
4. The listed building is within the Bishops Park Conservation Area which is characterised by the open landscape of the Metropolitan Open Land, the grid pattern of the Victorian dwellings to the north, and the mixed use area at the intersection of Fulham High Street, New Kings Road and Putney Bridge Approach. The positive contribution of the listed building to the Conservation Area, at the end of the mixed use sub-area, is identified in the *Bishops Park Conservation Area Character Profile*. The site is also within the setting of the Fulham Park Gardens Conservation Area which is characterised by its late-Victorian estate architecture and its residential and commercial uses. The listed building makes a positive contribution to its setting, especially in views down Fulham Road, which is recognised in the *Fulham Park Gardens Conservation Area Character Profile*.

5. The proposed externally-illuminated advertisement would be inset in a plastic mesh scaffold safety shroud at the front of the listed building which would enclose the scaffold at roughly first floor level and above. The scaffold would be almost as wide as the listed building and as tall as the proposed temporary roof. It would be cantilevered from the listed building and suspended above the ground. Thus, there would be no ground level supports which could disrupt the public highway and the entrances to the ground floor premises. The shroud would include a full-size image of the listed building with the roughly 10 m high and 15 m wide advertisement displayed in a broadly central panel for a time limited period of 12 months.
6. The scaffold safety shroud would be taller than the listed building excluding the turret, and about as tall as the mansard balustrade at Parkview Court. Due to its substantial scale and its high level siting, the advertisement would be considerably more prominent than the listed building. It would be visible for a substantial length of Fulham Road during the day and after dark. Whilst the luminaires would reduce the potential for light spill, glare and sky glow, the contrast between the background illumination in the street scene and the advertisement would make the advertisement harmfully dominant after dark.
7. Most existing advertising to the mainly ground and first floor commercial premises in Fulham High Street and nearby is at ground floor fascia level or below, and there are no large advertisement hoardings in the immediate area. Thus, the advertisement would look unacceptably out of place next to the residential upper floors of the multi-storey Parkview Court on one side and the recently built extension to the listed building on the other. As the listed building is towards the end of Fulham High Street, where the vitality of the commercial uses gives way to the relative tranquillity of the open space, the scale and high level siting of the advertisement would look discordant and incongruous. It would be contrary to the *National Planning Policy Framework* (Framework) which recognises that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.
8. Due to its height, siting, and its unsympathetic appearance, the advertisement would harm, albeit for a time limited period, the character of the Bishops Park Conservation Area, which it is desirable to preserve or enhance. Because it would be obtrusive and discordant it would similarly detract from the character and appearance of the setting of the Fulham Park Gardens Conservation Area. Whilst the background image of the listed building would inform passers-by of the presence of the heritage asset behind the shroud, the listed building would be obscured by the shroud and dominated by the advertisement.
9. The appellant says that the advertisement would fund repairs to the listed building in line with the supporting text to SPD Design Policy 58 of the emerging *LB Hammersmith and Fulham Planning Guidance Supplementary Planning Document*. However, insufficient financial data was submitted in support. This matter also attracts little weight because the Council had previously granted advertisement consent on 13 October 2005 for a similar but smaller shroud for the very same reason until 1 November 2006, and a further consent was granted until 1 September 2007. At that time a number of large advertisements were in place in the vicinity of the listed building. Since then, under the Council's Street Scene improvements scheme, the Council has sought to improve the appearance of the Borough by taking direct action to remove illegally displayed advertisement hoardings and by not renewing

- expired consents for large high level advertisements. Also, since then the side extension has been largely completed and occupied, so some of that revenue could reasonably be used to fund the remaining repairs.
10. Attention was drawn to the planning permissions and listed building consents for 5 flats in a rear roof extension and the conversion of the function room to a flat, which would require the temporary roof structure over much of the listed building. As these new works would be mainly at the back, or inside, they would not be likely to require a scaffold at the front of the listed building.
 11. The scaffold safety shroud was said to be needed for works and repairs at the front of the listed building. These would include works to 2 chimney stacks, installing 3 roof lights, mending a leak in the first floor flat roof and associated damage, some repairs to windows and rainwater goods, re-laying the front roof slope on a like for like basis, and cleaning. The viability of the advertising would be affected by the period of display, and the appellant stated that the scaffold would enable the building programme to be shortened. However, insufficient evidence was put to me to show that the shrouded scaffold would be required across almost the entire frontage of the upper floors of the listed building for 12 months. As the listed building could be covered for longer than necessary, this would fail to better reveal the significance of the heritage asset. Also, it would seem that at least some of these works and repairs could have been carried out when the previous advertisement shroud was in place.
 12. Whilst the temporary nature of the proposed advertisement would be obvious to passers-by, its detrimental effect in the meantime on the character and appearance of the surrounding area, which includes 2 Conservation Areas, would be unacceptable. Little weight can be attached to the view that a conventional shroud would become tatty or ragged fairly quickly, because its maintenance would be necessary to comply with health and safety legislation. The appellant's suggested condition for the shroud to be removed at the end of the period of consent would not outweigh the harm that the advertisement would cause in the meantime. Attention was drawn to my colleagues' appeal decisions ref APP/H5390/H/12/2185221 and APP/H5390/H/12/2181146. However, their siting differs from the proposal before me, which I have dealt with on its merits and in accordance with its site specific circumstances, Circular 03/2007 and the Framework. Relevant Development Plan policies have been taken into account as a material consideration.
 13. I consider that the proposed advertisement would harm visual amenity and, thus, the character and appearance of the surrounding area, having regard to its siting on the listed building within the Bishops Park Conservation Area and within the setting of the Fulham Gardens Conservation Area. It would also be contrary to Policies EN2 and EN3 of the *Hammersmith and Fulham Unitary Development Plan* (UDP) which reflect the thrust of the statutory duties with regard to conservation areas and listed buildings, and UDP Policy EN14 and UDP Standards S14 and S15 which aim to protect amenity, all of which are broadly in line with the Framework.
 14. For the reasons given above and having regard to all other matters raised, the appeal fails.

Joanna Reid

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Jason Flack Representing Freegate Properties Limited

Rachel Lee Planning solicitor, Brecher Solicitors

Rupert Spice Development director, King Media Limited

FOR THE LOCAL PLANNING AUTHORITY:

Roy Asagba-Power Deputy team leader,
BSc(Hons) DipTP South Area development management team,
Council of the London Borough of Hammersmith and Fulham

Aisling Carley MA Planning officer,
MPLAN Council of the London Borough of Hammersmith and Fulham

Adam O'Neill Planning officer, Design and conservation team,
Council of the London Borough of Hammersmith and Fulham

Carolyn Goddard Planning officer, Enforcement team,
Council of the London Borough of Hammersmith and Fulham

INTERESTED PERSON:

John Goodier Chair of Hammersmith and Fulham Historic Buildings Group.

DOCUMENTS PUT IN AT THE HEARING

- 1 The Council's letter of notification of the hearing.
- 2 Drawing RH/WFL/3/MP, put in by the Council.
- 3 SPD Design Policies 29 and 58 of the pre-adoption *LB Hammersmith and Fulham Planning Guidance Supplementary Planning Document – July 2013*, put in by the Council.
- 4 Table of policies and guidance, put in by the appellant.
- 5 Appeal decision ref APP/H5390/H/12/2181146, put in by the Council.
- 6 Enlargements of photographs in the Council's representations.
- 7 List description for No 4 (Kings Head Public House), Fulham High Street, put in by the Council.
- 8 Copies of representations from local people, put in by the Council.
- 9 Photographs of previous advertisements and hoardings in the locality that have been removed, put in by the Council.

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: 0870 333 1181

Fax: 01793 414926

Textphone: 0800 015 0516

E-mail: customers@english-heritage.org.uk