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## Appeal Decisions

Site visit made on 10 May 2018

**by C L Humphrey BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22<sup>nd</sup> May 2018**

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### **Appeal A - Ref: APP/H5390/W/17/3192440 Outside 442 Uxbridge Road, London W12 0NS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Matthew Coe (New World Payphones) against the decision of the Council of the London Borough of Hammersmith & Fulham.
  - The application Ref 2017/00970/TEL56, dated 9 March 2017, was refused by notice dated 28 June 2017.
  - The development proposed is 'Replacement Telephone Kiosk.'
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### **Appeal B - Ref: APP/H5390/Z/17/3192478 Outside 442 Uxbridge Road, London W12 0NS**

- 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 Matthew Coe (New World Payphones) against the decision of the Council of the London Borough of Hammersmith & Fulham.
  - The application Ref 2017/00971/ADV, dated 9 March 2017, was refused by notice dated 11 December 2017.
  - The advertisement proposed is 'Internally illuminated digital panel as integral part of Telephone Kiosk.'
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## Decisions

### *Appeal A*

1. The appeal is allowed and approval is granted under the provisions of Article 3, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a replacement telephone kiosk at land outside 442 Uxbridge Road, London W12 0NS in accordance with the terms of the application Ref 2017/00970/TEL56, dated 9 March 2017, and the plans and documents submitted with it.

### *Appeal B*

2. The appeal is dismissed.

## Preliminary Matters

3. Policies from the Core Strategy, Development Management Local Plan and Planning Guidance Supplementary Planning Document set out in the Council's decision notices have now been replaced by policies from the Local Plan (LP)

and Planning Guidance Supplementary Planning Document (SPD), which were adopted in February 2018 after the appeals were submitted. The design, heritage conservation and enhancement and amenity protection aims of both sets of policies are similar so neither party has been prejudiced by this change in policy circumstances.

4. Although not determinative in the case of either appeal, I have had regard to these policies as a material consideration insofar as they are relevant to the appeal proposals.

### **Main Issues**

5. The main issue in Appeal A is the effect of the siting and appearance of the proposed telephone kiosk upon the character and appearance of the area.
6. The main issues in Appeal B are the effect of the proposed advertisement upon amenity and public safety.

### **Reasons**

#### *Appeal A*

7. The appeal proposal would replace an existing kiosk and would be sited in the same position, close to the outside edge of the footway. It would be an open sided structure with a similar height and footprint to the existing kiosk, and the black finish would reflect the predominantly dark coloured street furniture in the surrounding area. Accordingly the proposal would not add to clutter and would be no more visually prominent than the existing kiosk, assimilating well into the street scene.
8. The Council's delegated report refers to appeals relating to telephone kiosks on Goldhawk Road and Lillie Road. However, I have not been provided with details of these other cases and so cannot draw comparisons with the appeal proposal. Besides, I must determine the appeal on its own merits and have done so.
9. For the reasons set out above I conclude that the siting and appearance of the proposed telephone kiosk would not have a harmful effect upon the character and appearance of the area. Therefore, the appeal proposal would accord with the design aims of Policy 6.10B of the London Plan and LP Policies DC1, DC2 and DC10.

#### *Appeal B*

10. The Planning Practice Guidance<sup>1</sup> states that, in assessing amenity, regard should be had to the local characteristics of the neighbourhood. This part of Uxbridge Road comprises a wide range of retail and other commercial uses with associated advertisements, some of which are illuminated. However, these are generally fascia signs on the ground floor units, whilst roadside adverts in the vicinity are confined to posters within bus shelters and some telephone kiosks.
11. The proposed advertisement would be incorporated in a modest freestanding structure in a prominent roadside location facing west down a long and straight stretch of Uxbridge Road. It would therefore be highly visible in long-range views along the street. The display of a sequential series of static digital images would be conspicuous and eye-catching and would not integrate successfully

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<sup>1</sup> Paragraph: 079 Reference ID: 18b-079-20140306

into the street scene. As a result, while the luminance level and rate of image transition could be controlled by condition, the appeal proposal would nevertheless create an isolated and discordant feature.

12. The appellant has referred to a number of existing and consented adverts in the surrounding area. However, based on the evidence before me and my observations on site, there are no digital adverts in situ or with extant consent on the same side of the road in the immediate vicinity of the appeal site, and it is within this context that I have considered the appeal proposal. Whilst I note the Inspectors' findings in respect of the digital nature of advertisement displays in a number of other appeals<sup>2</sup>, I do not have full details of these cases and so am not able to make comparisons with the appeal proposal. In any event, I must determine the appeal on its own merits and have done so.
13. Whilst not a reason for refusal, I note that the Council's Highways officer objected to the proposal and that the delegated report states 'the introduction of an LED screen at this point could result in an increase in driver distraction and accordingly be a risk to pedestrian safety.' Given the horizontal and vertical alignment of this section of Uxbridge Road, east-bound drivers would be afforded ample advanced sight of the advertisement so the proposed display would not present a distraction for drivers taking reasonable care. I therefore conclude that the proposed advertisement would not have a harmful effect upon public safety. However, an absence of harm in this regard is a neutral matter which does not weigh for or against the proposal.
14. For the reasons set out above, I conclude that the proposed advertisement would have a harmful effect upon amenity. Consequently, the proposal would fail to accord with the amenity protection aims of LP Policy DC9.

### **Conditions**

15. In respect of Appeal A, the Council has suggested the imposition of conditions including removal of the existing kiosk, a time limit on the commencement of development, compliance with approved details and removal of the proposed telephone kiosk when it is no longer required for telecommunications purposes. However, the existing kiosk would have to be removed to make way for the replacement kiosk and the other matters are covered by standard conditions set out in Article 3, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). I do not consider that it is necessary to add to these standard conditions.
16. The Council has also suggested the imposition of a condition preventing the glazed panels in the kiosk being used for the display of advertisements. However, the issues under consideration in respect of Appeal A are the siting and appearance of the kiosk itself rather than of any advertising material. As such I do not consider it would be reasonable in this case to impose a condition which would add to the conditions and limitations set out in Schedule 3, Part 1, Class 16 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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<sup>2</sup> lead case APP/R5510/Z/16/3157043, APP/V5570/Z/17/3169006 and APP/V5570/Z/17/3167080

## **Conclusions**

17. For the reasons set out above and having regard to all other matters raised, I conclude that Appeal A should be allowed and Appeal B should be dismissed.

*CL Humphrey*

INSPECTOR



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## Appeal Decisions

Site visit made on 10 May 2018

**by C L Humphrey BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22<sup>nd</sup> May 2018**

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### **Appeal A - Ref: APP/H5390/W/17/3192437 Outside 156 Uxbridge Road, London W12 8AA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Matthew Coe (New World Payphones) against the decision of the Council of the London Borough of Hammersmith & Fulham.
  - The application 2017/00966/TEL56, dated 9 March 2017, was refused by notice dated 28 June 2017.
  - The development proposed is 'Replacement Telephone Kiosk.'
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### **Appeal B - Ref: APP/H5390/Z/17/3192472 Outside 156 Uxbridge Road, London W12 8AA**

- 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 Matthew Coe (New World Payphones) against the decision of the Council of the London Borough of Hammersmith & Fulham.
  - The application Ref 2017/00967/ADV, dated 9 March 2017, was refused by notice dated 11 December 2017.
  - The advertisement proposed is 'Internally illuminated digital panel as integral part of Telephone Kiosk.'
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## Decisions

### *Appeal A*

1. The appeal is allowed and approval is granted under the provisions of Article 3, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a replacement telephone kiosk at land outside 156 Uxbridge Road, London W12 8AA in accordance with the terms of the application Ref 2017/00966/TEL56, dated 9 March 2017, and the plans and documents submitted with it.

### *Appeal B*

2. The appeal is dismissed.

## Preliminary Matters

3. Policies from the Core Strategy, Development Management Local Plan and Planning Guidance Supplementary Planning Document set out in the Council's decision notices have now been replaced by policies from the Local Plan (LP)

and Planning Guidance Supplementary Planning Document (SPD), which were adopted in February 2018 after the appeals were submitted. The design, heritage conservation and enhancement and amenity protection aims of both sets of policies are similar so neither party has been prejudiced by this change in policy circumstances. Although not determinative in the case of either appeal, I have had regard to these policies as a material consideration insofar as they are relevant to the appeal proposals.

### **Main Issues**

4. The appeal site is an area of footway on the north side of Uxbridge Road within Shepherds Bush Conservation Area (CA), which is characterised by the mixture of employment, shopping, leisure and residential development focussed around Shepherds Bush Common.
5. In the case of Appeal A the main issue is whether the siting and appearance of the proposed telephone kiosk would preserve or enhance the character or appearance of the CA and its effect upon the significance of the adjacent non-designated heritage assets at 156-162 Uxbridge Road.
6. The main issue in Appeal B is the effect of the proposed advertisement upon amenity, with particular regard to the character and appearance of the CA and the significance of the adjacent non-designated heritage assets located at 156-162 Uxbridge Road.

### **Reasons**

#### *Appeal A*

7. The appeal proposal would replace an existing kiosk and would be sited in the same position, close to the outside edge of the footway. It would be open sided with a similar height and footprint as the existing structure, and the black finish would reflect the predominantly dark coloured street furniture in the area. As a result the proposal would not add to clutter and would be no more visually prominent than the existing kiosk, integrating well into the street scene.
8. The Council's delegated report refers to appeals relating to telephone kiosks on Goldhawk Road and Lillie Road. However, I have not been provided with details of these other cases and so cannot draw comparisons with the appeal proposal. Besides, I must determine the appeal on its own merits and have done so.
9. For the reasons set out above I conclude that the siting and appearance of the proposed telephone kiosk would preserve the character and appearance of the CA and that it would not have a harmful effect upon the significance of the adjacent non-designated heritage assets at 156-162 Uxbridge Road. Therefore, the appeal proposal would accord with the design and heritage conservation and enhancement aims of Policy 6.10 of the London Plan, LP Policies DC1, DC2, DC8 and DC10 and SPD Policies CAG2 and CAG3.

#### *Appeal B*

10. The Planning Practice Guidance<sup>1</sup> states that, in assessing amenity, regard should be had to the local characteristics of the neighbourhood. Uxbridge Road is a bustling street comprising a wide range of retail and commercial uses with associated advertisements, many of which are illuminated. However, these are

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<sup>1</sup> Paragraph: 079 Reference ID: 18b-079-20140306

generally fascia signs on the ground floor units, whilst roadside adverts in the vicinity are confined to posters within some kiosks. Shepherds Bush Common lies opposite the site and this large open green space provides a quiet backdrop to the surrounding built form.

11. The proposed advertisement would be incorporated in a freestanding structure in a prominent roadside location facing west down a long and straight stretch of Uxbridge Road. Thus, it would be highly visible in long-range views along the street and towards the adjacent non-designated heritage assets and Common. The display of a sequential series of static digital images would be vivid and conspicuous, and would not assimilate well into the street scene. Thus, although the luminance level and rate of image transition could be controlled by condition, the appeal proposal would nevertheless create an isolated and discordant feature.
12. The appellant has referred to a number of digital adverts on bus shelters which have been granted consent at various locations in the wider area. I do not have full details of these cases although, based upon the submitted evidence, these other sites are between 170 – 275m from the appeal site. Consequently I cannot draw comparisons with the individual site circumstances of the case before me. Whilst I note the Inspectors' findings in respect of the digital nature of advertisement displays proposed in a number of appeals<sup>2</sup>, I do not have full details of these cases and so cannot make comparisons with the appeal proposal. In any event, I must determine the appeal on its own merits and have done so.
13. For the reasons set out above, I conclude that the proposed advertisement would have a harmful effect upon amenity, would fail to preserve or enhance the character and appearance of the CA and would have a harmful effect upon the significance of the adjacent non-designated heritage assets located at 156-162 Uxbridge Road. Consequently, the proposal would fail to accord with the amenity protection and heritage conservation and enhancement aims of LP Policies DC8 and DC9.

## Conditions

14. In respect of Appeal A, the Council has suggested the imposition of conditions including removal of the existing kiosk, a time limit on the commencement of development, compliance with approved details and removal of the proposed telephone kiosk when it is no longer required for telecommunications purposes. However, the existing kiosk would have to be removed to make way for the replacement kiosk and the other matters are covered by standard conditions set out in Article 3, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). I do not consider that it is necessary to add to these standard conditions.
15. The Council has also suggested the imposition of a condition preventing the glazed panels in the kiosk being used for the display of advertisements. However, the issues under consideration in respect of Appeal A are the siting and appearance of the kiosk itself rather than of any advertising material. As such I do not consider it would be reasonable in this case to impose a condition which would add to the conditions and limitations set out in Schedule 3, Part 1,

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<sup>2</sup> lead case APP/R5510/Z/16/3157043, APP/V5570/Z/17/3169006 and APP/V5570/Z/17/3167080

Class 16 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

**Conclusions**

16. For the reasons set out above and having regard to all other matters raised, I conclude that Appeal A should be allowed and Appeal B should be dismissed.

*CL Humphrey*

INSPECTOR





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## Appeal Decisions

Site visit made on 10 May 2018

by **C L Humphrey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22<sup>nd</sup> May 2018

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### **Appeal A - Ref: APP/H5390/W/17/3192419** **Outside 74 Shepherd's Bush Road, London W6 7PH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Matthew Coe (New World Payphones) against the decision of the Council of the London Borough of Hammersmith & Fulham.
  - The application Ref 2017/00974/TEL56, dated 9 March 2017, was refused by notice dated 28 June 2017.
  - The development proposed is 'Replacement Telephone Kiosk'.
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### **Appeal B - Ref: APP/H5390/Z/17/3192470** **Outside 74 Shepherd's Bush Road, London W6 7PH**

- 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 Matthew Coe (New World Payphones) against the decision of the Council of the London Borough of Hammersmith & Fulham.
  - The application Ref 2017/00978/ADV, dated 9 March 2017, was refused by notice dated 11 December 2017.
  - The advertisement proposed is 'Internally illuminated digital panel as integral part of Telephone Kiosk.'
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## Decisions

### *Appeal A*

1. The appeal is allowed and approval is granted under the provisions of Article 3, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a replacement telephone kiosk at land outside 74 Shepherd's Bush Road, London W6 7PH in accordance with the terms of the application Ref 2017/00974/TEL56, dated 9 March 2017, and the plans and documents submitted with it.

### *Appeal B*

2. The appeal is dismissed.

## Preliminary Matters

3. Policies from the Core Strategy, Development Management Local Plan and Planning Guidance Supplementary Planning Document set out in the Council's decision notices have now been replaced by policies from the Local Plan (LP)

and Planning Guidance Supplementary Planning Document (SPD), which were adopted in February 2018 after the appeals were submitted. The design, heritage conservation and enhancement and amenity protection aims of both sets of policies are similar so neither party has been prejudiced by this change in policy circumstances. Although not determinative in either appeal, I have had regard to these policies as a material consideration insofar as they are relevant to the proposals.

### **Main Issues**

4. The appeal site is an area of footway on the west side of Shepherd's Bush Road within Melrose Conservation Area (CA), which derives its character from the late 19th century residential terraces within its core and the terraces with ground floor retail units lining Shepherd's Bush Road at its eastern boundary.
5. In the case of Appeal A the main issue is whether the siting and appearance of the proposed telephone kiosk would preserve or enhance the character or appearance of the CA.
6. The main issue in Appeal B is the effect of the proposed advertisement upon amenity and whether it would preserve or enhance the character or appearance of the CA.

### **Reasons**

#### *Appeal A*

7. The appeal proposal would replace an existing kiosk and would be positioned in the same location, set in slightly from the edge of the generous footway. The new kiosk would be open sided with a comparable height and footprint as the existing structure, and the black finish and straightforward design would reflect nearby street furniture. As a result the proposal would be no more visually intrusive than the existing kiosk and would integrate well into the street scene.
8. Whilst the Council's delegated report refers to appeal decisions relating to telephone kiosks on Goldhawk Road and Lillie Road I have not been provided with full details of these cases, and so cannot draw comparisons with the appeal proposal before me. In any event, I must determine the appeal on its own merits and have done so.
9. For the reasons set out above I conclude that the siting and appearance of the proposed telephone kiosk would preserve the character and appearance of the CA. Consequently, the appeal proposal would accord with the design and heritage conservation and enhancement aims of London Plan Policy 6.10B, LP Policies DC1, DC2, DC8 and DC10 and SPD Policies CAG2 and CAG3.

#### *Appeal B*

10. The Planning Practice Guidance<sup>1</sup> states that, in assessing amenity, regard should be had to the local characteristics of the neighbourhood. Whilst development along the western side of Shepherd's Bush Road comprises a range of retail and commercial uses with associated advertisements, some of which are illuminated, these are mostly fascia signs on the ground floor units. Roadside adverts are limited to the static non-illuminated posters within the existing telephone kiosk and a digital display integrated into the bus shelter to

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<sup>1</sup> Paragraph: 079 Reference ID: 18b-079-20140306

the north. Development on the opposite side of the road principally comprises residential uses, mature trees line the road and, overall, the area has a fairly subdued appearance.

11. The proposed advertisement would be incorporated in a freestanding kiosk situated in a prominent roadside location near the pedestrian refuge which provides a crossing point over Shepherd's Bush Road, and would face south down the road. The display of a sequential series of static digital images on this structure would be vibrant and conspicuous, and the proposal would be highly visible to pedestrians crossing the road and in long-range views from the south. Therefore, while the luminance level and the rate of image transition could be controlled by condition, the advertisement would create an isolated and inharmonious feature in the street scene.
12. The appellant has referred to the Inspectors' findings in respect of the digital nature of advertisement displays proposed in a number of appeals<sup>2</sup>. I do not have full details of these cases and so am unable to draw comparisons with the appeal proposal. Besides, I must determine the appeal on its own merits.
13. For the foregoing reasons, I conclude that the proposed advertisement would have a harmful effect upon amenity and would fail to preserve or enhance the character and appearance of the CA. Therefore, the proposal would not accord with the amenity protection and heritage conservation and enhancement aims of LP Policies DC8 and DC9.

### **Conditions**

14. In respect of Appeal A, the Council has suggested the imposition of conditions including removal of the existing kiosk, a time limit on the commencement of development, compliance with approved details and removal of the proposed telephone kiosk when it is no longer required for telecommunications purposes. However, the existing kiosk would have to be removed to make way for the replacement kiosk and the other matters are covered by standard conditions set out in Article 3, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). I do not consider that it is necessary to add to these standard conditions.
15. The Council has also suggested the imposition of a condition preventing the glazed panels in the kiosk being used for the display of advertisements. However, the issues under consideration in respect of Appeal A are the siting and appearance of the kiosk itself rather than of any advertising material. As such I do not consider it would be reasonable in this case to impose a condition which would add to the conditions and limitations set out in Schedule 3, Part 1, Class 16 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

### **Conclusions**

16. For the reasons set out above and having regard to all other matters raised, I conclude that Appeal A should be allowed and Appeal B should be dismissed.

*CL Humphrey*  
INSPECTOR

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<sup>2</sup> lead case APP/R5510/Z/16/3157043, APP/V5570/Z/17/3169006 and APP/V5570/Z/17/3167080



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## Appeal Decisions

Site visit made on 10 May 2018

by **C L Humphrey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22<sup>nd</sup> May 2018

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### **Appeal A - Ref: APP/H5390/W/17/3188594** **Outside 88-90 North End Road, London W14 9EY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Matthew Coe (New World Payphones) against the decision of the Council of the London Borough of Hammersmith & Fulham.
  - The application Ref 2017/00979/TEL56, dated 9 March 2017, was refused by notice dated 29 June 2017.
  - The development proposed is 'Replacement Telephone Kiosk'.
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### **Appeal B - Ref: APP/H5390/Z/17/3188471** **Outside 88-90 North End Road, London W14 9EY**

- 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 Matthew Coe (New World Payphones) against the decision of the Council of the London Borough of Hammersmith & Fulham.
  - The application Ref 2017/00981/ADV, dated 9 March 2017, was refused by notice dated 8 September 2017.
  - The advertisement proposed is 'Internally illuminated digital panel as integral part of Telephone Kiosk.'
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## Decisions

### *Appeal A*

1. The appeal is allowed and approval is granted under the provisions of Article 3, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a replacement telephone kiosk at land outside 88-90 North End Road, London W14 9EY in accordance with the terms of the application Ref 2017/00979/TEL56, dated 9 March 2017, and the plans and documents submitted with it.

### *Appeal B*

2. The appeal is dismissed.

## Preliminary Matters

3. Policies from the Core Strategy, Development Management Local Plan and Planning Guidance Supplementary Planning Document set out in the Council's decision notices have now been replaced by policies from the Local Plan (LP)

and Planning Guidance Supplementary Planning Document (SPD), which were adopted in February 2018 after the appeals were submitted. The design, heritage conservation and enhancement and amenity protection aims of both sets of policies are similar so neither party has been prejudiced by this change in policy circumstances.

4. Although not determinative in the case of either appeal, I have had regard to these policies as a material consideration insofar as they are relevant to the appeal proposals.

### **Main Issues**

5. The appeal site is an area of footway on the west side of North End Road within Barons Court Conservation Area (CA), which is characterised by unified groups of residential development laid out in a tightly-knit grid pattern, together with Barons Court and West Kensington Underground Stations and the open space of Hammersmith Cemetery.
6. In the case of Appeal A the main issue is whether the siting and appearance of the proposed telephone kiosk would preserve or enhance the character or appearance of the CA.
7. The main issue in Appeal B is the effect of the proposed advertisement upon amenity and whether it would preserve or enhance the character or appearance of the CA.

### **Reasons**

#### *Appeal A*

8. The appeal proposal would replace an existing kiosk and would be constructed in the same position, sited close to the edge of the footway. It would be open sided with a similar height and footprint as the existing structure, and the black finish would reflect street furniture in the vicinity. As a result the proposal would be no more visually prominent than the existing kiosk, would assimilate well into the street scene and would not add to clutter.
9. For the reasons set out above I conclude that the siting and appearance of the proposed telephone kiosk would preserve the character and appearance of the CA. The appeal proposal would therefore accord with the design and heritage conservation and enhancement aims of Policy 6.10 of the London Plan, LP Policies DC1, DC2, DC8 and DC10 and SPD Policies CAG2 and CAG3.

#### *Appeal B*

10. The Planning Practice Guidance<sup>1</sup> states that, in assessing amenity, regard should be had to the local characteristics of the neighbourhood. Although North End Road comprises a wide range of retail and commercial uses with associated advertisements, some of which are illuminated, these are generally fascia signs on ground floor units. Roadside adverts are limited to static internally illuminated posters within the bus shelters to the north and south.
11. The proposed advertisement would be incorporated in a freestanding structure situated in a prominent roadside location near the pedestrian crossing outside West Kensington Station and would face east across North End Road. Thus,

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<sup>1</sup> Paragraph: 079 Reference ID: 18b-079-20140306

although not particularly visible in long-range views, the proposal would be highly conspicuous from the eastern side of the road and the crossing. The display of a sequential series of static digital images on this structure would be prominent and eye-catching. Consequently, although the luminance level and rate of image transition could be controlled by condition, the appeal proposal would create an isolated and inharmonious feature in the street scene.

12. The appellant has referred to the Inspectors' findings regarding the digital nature of advertisement displays proposed in a number of appeals<sup>2</sup>. I do not have full details of these cases and so cannot make comparisons with the appeal proposal. In any event, I must determine the appeal on its own merits and have done so.
13. For the reasons set out above, I conclude that the proposed advertisement would have a harmful effect upon amenity and would fail to preserve or enhance the character and appearance of the CA. Consequently, the proposal would be contrary to the amenity protection and heritage conservation and enhancement aims of LP Policies DC8 and DC9.

### **Conditions**

14. In respect of Appeal A, I do not consider that it is necessary to add to the standard conditions set out in Article 3, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

### **Conclusions**

15. For the reasons set out above and having regard to all other matters raised, I conclude that Appeal A should be allowed and Appeal B should be dismissed.

*CL Humphrey*

INSPECTOR

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<sup>2</sup> lead case APP/R5510/Z/16/3157043, APP/V5570/Z/17/3169006 and APP/V5570/Z/17/3167080