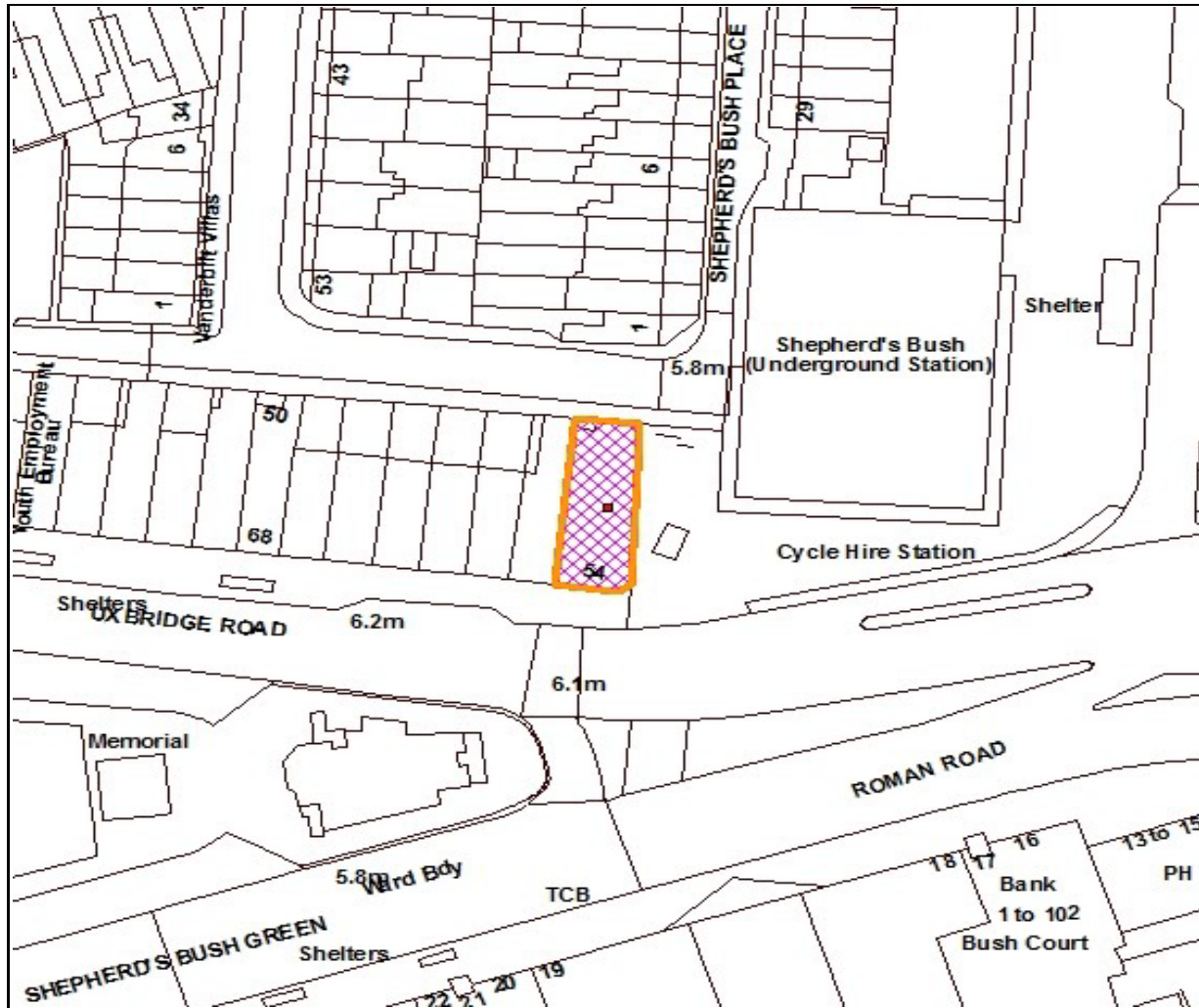


**Ward:** Shepherd's Bush Green

**Site Address:**

54 Uxbridge Road London W12 8LP



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**For identification purposes only - do not scale.**

**Reg. No:**  
2023/00262/ADV

**Case Officer:**  
George Shakir

**Date Valid:**  
06.02.2023

**Conservation Area:**  
Constraint Name: Shepherds Bush Conservation Area - Number 21

**Committee Date:**  
18.07.2023

**Applicant:**

MR GIOVANNI LEUZZO  
3-8 CARBURTON ST LONDON W1W 5AJ

**Description:**

Display of an externally illuminated shroud advertisement to the eastern elevation measuring 7.5m (Height) x 10m (Width) for a temporary period of 8 months.

Drg Nos: PY3472/002; PY3472/005; PY3472/006; PY3472/007

**Application Type:**

Display of Advertisements

**Officer Recommendation:**

- 1) That the Committee resolve that the Director of Planning and Property be authorised to grant permission subject to the conditions listed below;
- 2) That the Committee resolve that the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

**Conditions:**

- 1) The advertisement display hereby granted shall be for a period of 8 months, which shall begin either on the date of the commencement of the advertising display or begin 6 months from the date of the decision whichever is the sooner.  
Confirmation in writing of commencement of the display must be provided to the Local Planning Authority at least 3 weeks prior to the display.

In the interests of visual amenity and public safety having regard to the general characteristics of the area, in accordance with Policies DC1, DC8, DC9, T6 and CC13 of the Local Plan (2018).

- 2) The advertisement shall be retained in accordance with the detailed drawings which have been approved and are stated on this decision notice.

In order to ensure full compliance with the planning permission hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies DC1, DC8 and DC9 of the Local Plan (2018).

- 3) The intensity of the luminance of the advertisement shall be no greater than 300cd/m<sup>2</sup> during the hours of darkness.

In the interests of visual amenity and to protect the character and appearance of the Building of Merit and the Shepherd's Bush Conservation Area, in accordance with Policies DC8 and DC9 of the Local Plan (2018).

- 4) The advertisement hereby consented shall only be displayed in conjunction with the 1:1 photographic image of the building on the scaffold shroud as shown on the approved drawings.

In order to ensure full compliance with the planning permission hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies DC1, DC8 and DC9 of the Local Plan (2018).

- 5) Prior to the display of the advertisement hereby consented a signed building contract for the external repair works outlined in the application documents shall be submitted to and approved in writing by the Council.

In order to prevent the premature display of the advertisement hereby consented and protect the character and appearance of the Conservation Area, in accordance with policies DC1, DC8 and DC9 of the Local Plan (2018).

### **Justification for Approving the Application:**

- 1) The proposed temporary display is considered to be of an acceptable appearance and there would be no significant impact on highways safety. The character and appearance of the Building of Merit and the Shepherds Bush Conservation Area would be preserved, and the setting of the adjacent listed buildings and Buildings of Merit would not be harmed. It is also considered that there would be no demonstrable harm to residential and public amenity. In these respects, the proposal is considered to comply with Policies DC1, DC8 and DC9 of the Local Plan (2018).

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## **LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS**

### **All Background Papers held by Andrew Marshall (Ext: 4841):**

Application form received: 3rd February 2023  
Drawing Nos: see above

**Policy documents:** National Planning Policy Framework (NPPF) 2021  
The London Plan 2021  
LBHF - Local Plan 2018  
LBHF – Planning Guidance Supplementary Planning Document  
2018

### **Consultation Comments:**

#### **Comments from:**

Transport For London - Land Use Planning Team  
London Underground Limited  
Transport For London - Land Use Planning Team

#### **Dated:**

23.02.23  
17.02.23  
23.02.23

## **Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
10 Bulwer street London W12 8ap	24.04.23
14 Bulwer Street London W128AP	24.04.23
35B Tadmor Street London W128AH	24.04.23
4A Sterne Street London W12 8AD	24.04.23
13 tadmor street london w12 8ah	24.04.23
39 Bulwer street Flat 2 London W12 8AR	24.04.23
12 Tadmor Street London W12 8AH	24.04.23
45 Sterne Street London W12 8AB	24.04.23
4 TADMOR STREET LONDON W128AH	24.04.23
28a Sterne Street London W12 8AD	24.04.23
68a Uxbridge Road London W12 8lp	24.04.23
8A Sterne Street London W12 8AD	24.04.23
6 Sterne Street London W12 8AD	24.04.23
20 Aldine Street London W12 8AN W12 8AN	24.04.23
20 Aldine Street London W128AN	24.04.23
19 Shepherd's Bush Place London W128LX	24.04.23
4 Vanderbilt Villa Sterne Street London W12 8AF	24.04.23
106 Sinclair Road London W14 0NJ	24.04.23
51 sterne street, London W12 8AB	25.04.23
51 sterne street, London W12 8AB	24.04.23
31 Tadmor Street London W12 8AH	24.04.23
41 Sterne Street London W12 8AB	24.04.23
43 Tadmor Street London W12 8AH	24.04.23
14 Bulwer Street London W12 8AP	24.04.23
2 Shepherds Bush Place London W12 8LX	26.04.23
2 Shepherds Bush Place London W12 8LX	25.04.23
25 Tadmor Street London W12 8AH	24.04.23

## OFFICER'S REPORT

### 1.0 SITE DESCRIPTION AND RELEVANT HISTORY

1.1 The application relates to a four-storey corner building dating from 1908, laid out as a ground floor retail unit with a hotel above. The property is on the Local Register of Buildings of Merit and is located within the Shepherd's Bush Conservation Area. The side elevation is highly prominent and is subject to long views across the new public space that has been created in front of the rebuilt Underground Station (Plimley Place).

### 2.0 RELEVANT PLANNING HISTORY

2.1 2008/03820/ADV: Display for a temporary period of an externally illuminated PVC micro-mesh advertisement banner measuring 6m high x 12m wide on the eastern facing elevation at first/second floor levels; erection of a shroud on the upper levels of the eastern and southern facing elevations of the property. Approved for a temporary period.

2.2 2011/03774/FUL: Change of use of first, second and third floors from a language school (Class D1) to a hotel (Class C1); replacement of the existing door to the front elevation at ground floor level. Permission Granted.

2.3 2012/02013/ADV: Display of an externally illuminated advertisement board (6m high by 15m wide) on PVC micro mesh shroud on side elevation at first, second and third-floor levels. Refused permission on visual amenity grounds. Appeal allowed 7/3/13.

2.4 2014/03406/FUL: Erection of a two-storey side and rear extension at first and second-floor level, on top of the existing single-storey rear extension; associated alterations to external fire escape staircase at rear and existing rear elevation. Permission granted.

2.5 2015/00363/ADV: Display of an externally illuminated open weave mesh advertisement banner attached to a temporary scaffold on the side elevation measuring 6.0m x 12.0m x 0.05m and 3.8m from roof level to second-floor level, for a temporary period between 1st March 2015 and 1st September 2015. Permission was refused on the following grounds:

"The proposed advertisement would be unacceptable in the context of visual amenity. More particularly, the advertisement by virtue of its size, height, location, illumination and position would constitute a dominant and obtrusive visual element that would command a wide range of visibility. It is considered that the display would be harmful to the Building of Merit and this part of the Conservation Area. In this respect the proposal would therefore be contrary to policies DM G7 and DM G8 of the Development Management Local Plan 2013, policy BE1 of the Core Strategy and SPD Design Policy 58 of the Planning Guidance Supplementary Planning Document (2013)".

2.6 2016/01803/ADV: Display of an externally illuminated shroud advertisement to the eastern elevation measuring 7.5m (Height) x 10m (Width) for a temporary period of 6 months. Planning permission was refused on the following grounds:

1) "The proposed advertisement would be unacceptable in the context of visual amenity. More particularly, the advertisement by virtue of its size, height, location, illumination and position would constitute a dominant and obtrusive visual element that would command a wide range of visibility. It is considered that the display would be harmful to the Building of Merit and this part of the Conservation Area. In this respect the proposal would therefore be contrary to policies DM G7 and DM G8 of the Development Management Local Plan 2013, policy BE1 of the Core Strategy and SPD Design Policies 21, 58, 61 and 62 of the Planning Guidance Supplementary Planning Document (2013)."

2) "The proposed advertisement is considered to be unacceptable in the interests of public safety. More particularly, given its size, height, illumination and, location on a busy London Distributor Road and a busy junction where drivers are exercising a high level of concentration, the proposed advertisement could result in the introduction of a dangerous, inappropriate and unnecessary distraction to drivers and could lead to high risk of accidents and collisions in this area and could endanger the pedestrians crossing the road. In this respect the proposal is contrary to Policy DM J6 of the Development Management Local Plan (2013) and SPD Transport Policy 35 of the Planning Guidance Supplementary Planning Document (2013)."

2.7 This proposal was subsequently allowed on appeal on 29th September 2016 for a temporary period of 6 months.

2.8 2017/01559/ADV - Display of an externally illuminated shroud advertisement to the eastern elevation measuring 7.5m (Height) x 10m (Width) for a temporary period of 3 months. Permission granted.

2.9 2019/00905/ADV - Display of an externally illuminated shroud advertisement to the eastern elevation measuring 7.5m (Height) x 10m (Width) for a temporary period of 8 months. Approved . It is understood that the advert was displayed and then removed as works did not commence.

### 3.0 CURRENT APPLICATION

3.1 The current application proposal is for the display of an externally illuminated advertisement panel within a scaffold shroud in front of the eastern elevation measuring 7.5m (Height) x 10m (Width) for a temporary period of 8 months.

### 4.0 PUBLICITY AND CONSULTATION RESPONSES

4.1 The application was advertised by site and press notice and notification letters sent to the occupants of neighbouring properties (17). Twenty-five objection comments were received (from 24 properties) raising the following concerns:

- The proposal is not in keeping with the neighbouring conservation area.
- There is already enough adverting in the area, some of which is being used to hide attractive architecture.
- The large scaffolding shelters and encourages anti-social behaviour such as public alcohol drinking, loitering and drug dealing.
- The scaffolding will provide unsuitable shelter for homeless people and the associated with anti-social behaviour.
- Advertising hoarding adds to the visual noise in the immediate area.
- We should instead be pedestrianizing the Caxton side of the green and encouraging sustainable eco projects and calm green spaces for young and old to be safe
- No building work taking place on the building so this will be illegal; building permit is sought to recoup advertising revenue
- Light pollution from the sign is disturbing to neighbouring residents and has not been fully assessed.
- The proposal does not benefit the community.

## Officers Comments:

- The proposal's impact upon neighbouring amenity have been assessed in the 'planning considerations' section of this report.
- Whilst Officers recognize that construction works will result in noise and disturbance for surrounding occupants, issues relating to noise and disturbance from building works is covered by separate environmental health legislation, rather than planning legislation.
- Whilst Officers share the concerns of residents with regards to the visual impact of the temporary advertisement, it is noted that a previous refusal of a very similar scheme was refused by the council and subsequently allowed on Appeal. The Planning Inspectorate's decision carries significant weight and for the reasons explained below it is considered that the current application should be approved.
- whether or not the advertisement shroud is approved, the works are such that scaffolding will be required to be installed.
- anti-social behaviour would be a matter for the police to resolve

### 4.2 Consultee responses (External) Thames Water - No objection.

## 5.0 POLICY FRAMEWORK

5.1 The statutory development plan comprises of the London Plan (2018) and the Planning Guidance Supplementary Planning Document -2018 (hereafter referred to as Planning Guidance SPD). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

5.2 National Planning Policy Framework (NPPF).  
The NPPF came into effect on 27 March 2012 and was subsequently revised in 2019 and more recently in 2021 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.

5.3. The NPPF does not change the statutory status of the development plan.

5.4 The London Plan  
The London Plan was published in March 2021 and is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years.

5.5 The Local Plan  
The Council adopted the new Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) is also a material consideration in determining Advertisement Consent applications. It provides supplementary detail to the Local Plan policies and is organised around key principles.

## 6.0 PLANNING CONSIDERATIONS

6.1. The main planning considerations in the assessment of this application include the following: -

- Impact on the character and appearance of the host building, the Shepherds Bush Conservation Area, adjacent listed buildings and Buildings of Merit and on visual amenity generally.
- Residential amenity of neighbouring occupiers.
- Public safety.

## CONSERVATION AND DESIGN

- 6.2. Local Plan Policies DC1, DC8 and DC9 are particularly relevant to the assessment of design and heritage in this case. Policy DC1 (Built Environment) states that all development within the borough should create a high-quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places. Policy DC8 seeks to protect the significance of heritage assets. Policy DC9 relates to Advertisements including advertisement shrouds. Key Principles AH1 and AH2 of Planning Guidance SPD (2018) provide guidance on the assessment of the significance of heritage assets and how proposals may affect that significance. It is desirable to preserve or enhance the character and appearance of the Conservation Area in accordance with s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.2 No. 54 Uxbridge Road is a four-storey Edwardian corner building with fully detailed brick and stone elevations to both Uxbridge Road and Plimley Place. It is located within the Shepherds Bush Conservation Area and is on the Council's Local Register of Buildings of Merit. The building forms part of an impressive townscape consisting of a group of Edwardian shopping parades on the Local Register of Buildings of Merit on the north side of Shepherds Bush Green within the Shepherds Bush Conservation Area.
- 6.3 The site is located opposite the Grade II listed Winged Victory war memorial on Shepherds Bush Common. The nearby terraced cottages on the west side of Shepherds Bush Place are Grade II listed. The building has a long range of visibility on the approach to the town centre from the east, where public realm improvements have taken place as part of the Westfield Shopping Centre development. The Central Line station building has been rebuilt together with the creation of the southern interchange (bus/rail/tube) and a new area of public realm has been created at Plimley Place directly in front of No. 54 Uxbridge Road to act as the gateway to the town centre. The site is located within the Shepherds Bush Town Centre boundary on the Policies Map. The ground floor of the building incorporates a retail unit and a hotel entrance, at first-floor level and above the building is in hotel use. The character of the immediate area is mixed and includes retail, residential and office uses. The traditional signage zone for permanent signs in this group of Buildings of Merit is at the fascia level. The majority of properties in the shopping parades on the north side of Shepherds Bush Green are in residential use above ground floor level and lack any commercial signage.



- 6.4 Beyond the Central Line Station there are a number of large digital LED advertisement screens displayed on the east side of the southern interchange and around the Shepherds Bush Roundabout, these are all located outside of the Shepherds Bush Conservation Area and clearly form part of a separate piece of townscape. Opposite the application site on the south side of Shepherds Bush Green is the post-war West12 Shopping Centre with residential tower blocks above, which is also located outside of the Shepherds Bush Conservation Area.
- 6.5 Para 005 within the Advertisements section of the Planning Practice 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 the building. In all cases, express consent from the local planning authority will be required for these advertisements.
- 6.6 Advertisements may only be controlled in the interests of amenity and public safety but Local Plan Policies DC1,DC8 and DC9 and Key Principles AH1 and AH2 in the Planning Guidance SPD are material considerations.
- 6.7 Local Plan Policy DC9 states in relation to advertisement shrouds that:  
Advertisement shrouds will be permitted where the advertisement would not impose a detrimental impact on the building or street scene in terms of the size, illumination and/or content; or where the advertisement would not be harmful to residential amenity or public safety. Where advertisement shrouds are considered to be acceptable, they should be accompanied by a 1:1 depiction of the building and only be displayed for a limited period related to the reasonable duration of the building works.
- 6.8 There is considerable pressure at sites along radial routes in the Borough for the display of temporary advertisement panels on scaffold shrouds during relatively minor refurbishment works and the Council must exercise caution in order to avoid harmful cumulative impacts arising from a proliferation of such temporary advertisements. The Council has previously granted consent in circumstances such as where a listed building or Building of Merit is in danger of becoming at risk and where there is no realistic prospect of alternative funding sources to arrest the decline in the condition of the building or resolve a heritage deficit arising from a backlog of repairs. In those cases it was considered that short term harm to visual amenity was outweighed by the long term benefit of securing the future of the heritage asset.

- 6.9 The Building of Merit is not considered to be 'at risk', but repairs would be desirable and consistent with preserving its significance and that of the Conservation Area. The proposed repair works relate to roof coverings, leadwork and external decorations. The proposed sign would be displayed at first and second-floor level and would form a large and highly visible element in the streetscene, especially in views from the east and when externally illuminated at night. However, it would be temporary and only displayed for the duration of the proposed repair works which are considered to require a scaffold shroud. It would also be conditioned to be displayed within a 1:1 photographic depiction of the building on the scaffold shroud in front of the eastern and southern elevations of the building. It is understood that the previously consented advertisement panel was displayed on a scaffold shroud in 2019 in connection with external repair works, however not all the external repairs were completed, due to Covid and the advertisement/shroud and scaffolding was removed.
- 6.10 It is also recognised that the frequency of applications for temporary advertisement shrouds in connection with repair works to this building in terms of their cumulative impact on visual amenity has become a concern for local residents. The case is finely balanced. The evidence submitted suggests that external repair works are required to the building and that they would require scaffolding to be erected, incorporating a shroud to protect the public from dust. Two previous appeal Inspectors have considered that in such circumstances it would be acceptable in terms of visual amenity for an advertisement panel to be displayed on part of the scaffold shroud for the duration of repair works. This needs to be balanced against concerns that the site is being regularly used for the display of temporary advertisement panels, which when assessed cumulatively would have a negative visual impact over a period of time and where there are concerns that the purported repair works have not been undertaken when temporary advertisement panels are displayed, which then leads to repeat requests for further temporary advertisement panels in connection with the completion of the remaining works. The grant of advertisement consent with a strong set of conditions would help to mitigate the risk of the advertisement panel being displayed prematurely and in the absence of any repair works being carried out. There is no guarantee that such conditions would be applied by an Inspector in the event that an appeal against a refusal of advertisement consent were to be allowed, which is an important consideration.
- 6.11 Given the two previous allowed appeal decisions for the display of an advertisement panel on a scaffold shroud for a temporary period in connection with repair works, which are considered to have significant weight in the overall planning judgement, it is recommended that Advertisement Consent for an eight-month period is granted subject to conditions on:
- o A signed building contract for the proposed repair works in connection with which the advertisement panel shall be displayed shall be submitted to and approved in writing by the Council prior to the display of the advertisement hereby consented.
  - o The advertisement hereby consented shall only be displayed in conjunction with a full 1:1 photographic image of the building on the scaffold shroud to be installed on the scaffolding in front of the eastern and southern elevations of the building as shown in the approved drawings.

- o The advertisement panel shall be permanently removed and the use of the site for the display of advertisements shall cease within 8 months of the date of the display of the shroud advertisement or the completion of the proposed repair works included within the approved signed building contract, whichever is the sooner.

## RESIDENTIAL AMENITY

- 6.12 The borough has a high density of development and it is necessary to ensure that the amenities of existing residential occupiers are not unduly affected. Local Plan Policy HO11 states that extensions will be considered acceptable where it can be demonstrated that there is no detrimental impact upon the amenities 2021/02919/FUL enjoyed by neighbouring properties to include privacy, daylight and sunlight, and outlook. SPD Housing Key Principles HS4, HS6 and HS7 contain safeguards against sense of enclosure, loss of outlook, loss of privacy and loss of daylight against neighbouring occupiers.
- 6.13 The proposal is for a scaffolding shroud advertisement, comprising a 1:1 replica image of the building at first, second and third floor level to the eastern and southern elevation, with an externally illuminated inset poster display to the eastern elevation (to Plimley Place) measuring 7.5m (Height) x 10m (Width). The display is proposed to be retained for a temporary period of 8 months.
- 6.14 A similar development was granted permission in 2016 by the Planning Inspectorate following an appeal against the council's decision to refuse the application on visual amenity and highways safety grounds. In deciding to allow the appeal, the Inspector gave significant weight to several key factors in deciding to allow the appeal, namely:
- A cost schedule had been provided detailing the proposed works, which included repairs to windows and guttering at a high level. The Inspector concluded that the works would require the installation of scaffolding, which in turn would require shrouding or netting. In their judgement, 6 months was a reasonable period to complete the scheduled works.
  - The proposed shroud and advertisement would be more attractive than the likely alternative of an unadorned shroud.
  - In terms of public safety, the advertisement would be located in a bright and lively commercial area which already has examples of illuminated poster displays of similar size; given this context, the advertisement would not unduly distract drivers or pedestrians during the day.
- 6.15 Based on the Advertisement Consent granted in 2016 by the Planning Inspectorate following an appeal, Advertisement Consent was subsequently granted for similar displays: 2017/01559/ADV - Display of an externally illuminated shroud advertisement to the eastern elevation measuring 7.5m (Height) x 10m (Width) for a temporary period of 3 months and 2019/00905/ADV - Display of an externally illuminated shroud advertisement to the eastern elevation measuring 7.5m (Height) x 10m (Width) for a temporary period of 8 months.

6.16 Officers understand that the scaffolding and shroud with the advertisement was installed following the latest Advertisement Consent 2019/00905/ADV. The applicant has advised that the shroud was installed, however, then as a result of the pandemic, no works were commenced. As such the shroud was removed as it was not possible to carry on with the works

6.17 The proposed works to be carried out include:

- Complete trad roof repairs
- Strip aluminium cladding
- Inspect roof structure and deck
- Adjust roof lights
- New roof cladding
- Lead abutments
- Rooflight flashings
- Parapet gutter
- Disconnect Ac
- Strip and refelt roof 1
- Strip and refelt roof 2
- Strip and refelt roof 3
- Window decoration
- Snagging

6.18 The shroud with the image of the existing building, will serve to screen the site from general view whilst the repair works are undertaken. The advertisement element will be displayed at first/second floor levels and would face eastwards and not towards any of the immediate neighbouring residential properties. A condition is attached to control the levels of illuminance. Given that the display would face away from the nearest residential properties, towards the underground station and Holland Park Roundabout, and the nearest residential properties to the east being located some 130m away, it is considered that the proposal would not result in any detrimental impacts to existing residential amenity.

6.19 Considering the conclusions drawn by the Inspector in the 2016 Appeal decision, Officers are minded to accept this proposal in this instance and consider that the requested 8 months is a reasonable amount of time to allow the additional works to be completed.

## 7.0 RECOMMENDATION

7.1 Approve application for a limited time period, in line with the recommendations above.