

## PLANNING APPLICATIONS COMMITTEE

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### SUBJECT

USE OF REGULATION 7 POWERS TO BRING UNDER THE CONTROL OF THE LOCAL AUTHORITY THE DISPLAY OF ESTATE AGENTS' BOARDS.

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### WARD/S

ADDISON  
AVONMORE AND BROOK GREEN  
NORTH END

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### CONTRIBUTERS

Env.D

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### SYNOPSIS

This report sets out the Planning Enforcement initiative to bring under the control of the local authority, estate agents' boards within streets located in two of the Borough's conservation areas (Baron's Court and Lakeside/ Sinclair/ Blythe Road) through an application to the Office of the Deputy Prime Minister (ODPM) under Regulation 7 of the Town and Country Planning (Control of Advertisements) Regulations 1992.

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### RECOMMENDATIONS:

1. That the Director of the Environment Department be authorised to seek the ODPM's approval for the making of Directions under Regulation 7 of the Town and Country Planning (Control of Advertisements) Regulations 1992 to control the display of 'For Sale', 'To Let' and similar advertisements as specified in Class 3A, Schedule 3, Part 1 of the Town and Country Planning (Control of Advertisements ) Regulations 1992 in the following streets in the Baron's Court and Lakeside/Sinclair/Blythe Road Conservation Areas:

#### Baron's Court Conservation Area:

Baron's Court Road,  
Castletown Road,  
Charleville Road,  
Challenor Crescent,  
Comeragh Road,  
Fairholme Road,  
Perham Road and  
North End Road (no's 86-110 west side, no's 179-225 east side.)

#### Lakeside/Sinclair/Blythe Road Conservation Area:

Addison Gardens,  
Hazlitt Road,  
Lakeside Road,

Maclise Road,  
Sinclair Gardens,  
Sinclair Road.

2. That the Director of the Environment Department be authorised to carry out all the necessary steps in order to obtain and to give effect to the Directions, if approved.

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## 1.0 INTRODUCTION

1.1 Almost all forms of advertising are subject to planning control and require either express or deemed consent before they may be displayed. Express consent is granted by the local planning authority (LPA) or on appeal by the ODPM in response to a specific application to display an advertisement. Deemed consent is consent to display a type of advertisement which is granted automatically without the need for specific permission from the LPA.

1.2 The rules governing estate agents' boards are contained in the Town and Country Planning (Control of Advertisements) Regulations 1992, Schedule 3, Part 1, Class 3A. This gives deemed consent rights to display an advertisement relating to the sale or letting of residential or commercial premises. The consent is subject to certain limitations. These include a restriction to one board per property for sale or let, and a requirement to remove that board within fourteen days of completion of the sale/grant of a tenancy.

1.3 If imposed, a Regulation 7 Direction would remove the deemed consent rights for Class 3A advertisements within certain identified 'problem' areas. The result of this is that in order to display an advertisement, express consent would need to be obtained. Accordingly the Direction would not impose an absolute ban on the display of the specified advertisements within the area.

1.4 The London Borough of Hammersmith and Fulham does not currently include any areas where a Regulation 7 Direction is in place. However, discussions with other Boroughs (Royal Borough of Kensington and Chelsea and London Borough of Camden) who have successfully obtained such directions from the ODPM report a marked improvement in the appearance of the Regulation 7 areas, due to less and in some cases no boards being present. They report that most estate agents co-operate with the Direction and the nature of the Direction has allowed for more effective enforcement with better use of staffing resources.

1.5 A Regulation 7 Direction, once imposed would mean that where signs are displayed without express consent they would be easily identifiable as illegal and the Council would be in a position to pursue prosecution of the person/company responsible for the display, if it considered the advertisement was harmful to visual amenity or public safety.

## 2.0 REASONS FOR APPLICATION FOR REGULATION 7 DIRECTION

2.1 Over the past few years, the Borough has witnessed a marked increase in the number of estate agents' boards in certain, primarily residential, parts of the borough,

particularly where large properties have been subdivided into many residential units. These properties often tend to attract a more transient population which results in the letting and sale of the units more frequently.

2.2 Complaints to the enforcement team in respect of estate agents' boards have risen significantly from 11 recorded complaints in 2003, to 86 in 2005. Site visits undertaken as a result of these complaints reveal that the amount of advertising via boards has increased substantially. It is also apparent that the regulations are being increasingly flouted through multiple board displays at individual properties, boards remaining in place far in excess of the 14 days following sale/let completion, and boards displayed at properties which are not actually for sale/to let.

2.3 There appears to be little incentive for estate agents to remove the boards but a lot of benefit gained from free advertising. It is often the case that enforcement investigations into estate agents' boards take a long period of time with a lot of officer time spent in attempting to establish which boards (if any) are being lawfully displayed, site visits, and phonecalls/ correspondence to the estate agent companies in an effort to secure their removal.

2.4 An overview of the record of complaints, and officers' observations, reveals that there are two main problem areas. Firstly, Sinclair Road and adjacent streets, and secondly Baron's Court Road and adjacent streets. The streets identified for this Direction are within designated conservation areas where the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Many of the residential properties within these areas are fine examples of former town houses, some with grand entrances, in sweeping terraces and in some instances are listed on the Council's Local Register. The proliferation of boards, whether legal or illegal, in such areas detracts from the facades of individual buildings and results in an untidy, cluttered street scene.

2.5 The streets subject of this application are identified on the maps attached to this report and are:

Within Baron's Court Conservation Area:

Baron's Court Road, Castletown Road, Charleville Road, Challenor Crescent, Comeragh Road, Fairholme Road, Perham Road and North End Road (no's 86-110 west side, no's 179-225 east side.)

Within Lakeside/Sinclair/Blythe Road Conservation Area:

Addison Gardens, Hazlitt Road, Lakeside Road, Maclise Road, Sinclair Gardens, Sinclair Road.

2.6 The streets identified in the Baron's Court Conservation Area comprise urban terraces with the properties being four storeys or three-storeys, with semi-basement. The overall character of the area is defined by the uniformity in appearance of the different types of terraces and the fact that they retain much of their original detailing.

2.7 The east end of Baron's Court Road (north side), the east end of Castletown Road, the east end of Charleville Road, the east side of Fairholme Road and the east end of

Perham Road (all locally listed as Buildings of Merit) are gault brick terraces with stucco detailing generally with paired entrance porticoes with free-standing columns as their dominant features. Where front boundaries exist, they are usually characterised by iron railings of a uniform design in each terrace. North End Road is more commercial in nature and the properties are often up to four storeys in height.

2.8 Visits to these streets revealed that at one time, as many as 147 boards were being displayed. In some instances, there was more than one board being displayed at a particular property and in one case 9 boards were being displayed at one property. The vast majority of boards are attached to the front boundary railings immediately abutting the pavement. However, some are attached to the stone work of the balconies at first floor level. The boards in North End Road are predominantly V-shaped and are located at first and second floor levels.

2.9 The streets identified in the Lakeside/Sinclair/Blythe Road Conservation Area are generally made up of similarly tall, grand properties which are three storeys in height with semi-basements. Front boundaries consist of black metal railings with brick supports or painted stone balustrades (Addison Road). In Sinclair Gardens and Sinclair Road, the properties possess grand porched entrances.

2.10 Visits to the area revealed up to 158 boards being displayed at one time. In many cases there was more than one board outside a particular property, and in one case as many as five. The boards tend to be attached to the front boundary wall/railings abutting the pavement. There were also examples of V-shaped boards on the front elevations at first floor level and above.

2.11 It is considered that the existence and proliferation of these boards in the streets listed above causes substantial harm to the visual amenity of the areas identified.

2.12 In exercising its power under Regulation 7, seeking that the Deputy Prime Minister make the Direction, the council has to act in the interests of amenity and public safety. Regulation 4(1) states that:

*“A local planning authority shall exercise their powers under these Regulations only in the interests of amenity and public safety, taking account of any material factors, and in particular (a) in the case of amenity, the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest, disregarding if they think fit, any advertisement being displayed there.”*

2.13 In this case the reason for proposing the Direction is to protect the visual amenity of the conservation areas which is being harmed by the display of large numbers of boards whether legal or illegal.

2.14 The Unitary Development Plan 2003 recognises that advertisement displays can impact greatly upon the appearance of individual buildings and the areas of which they form a part (Policy EN14 refers) and seeks to protect the character and appearance of conservation areas (Policy EN2 refers).

2.15 The Baron’s Court Resident’s Association and Sinclair Road Resident’s Association all strongly support the proposal. The main reasons given for their support for a

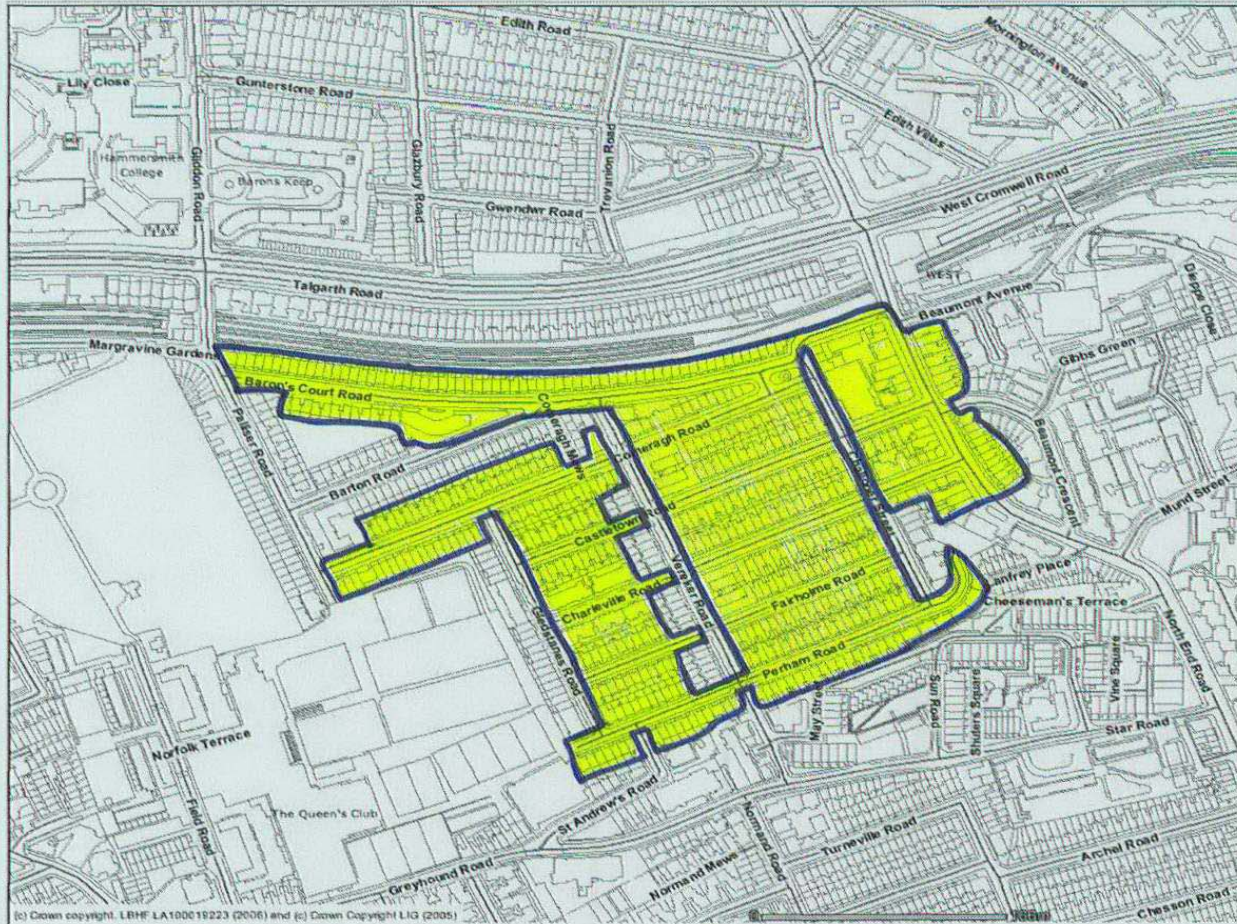
Regulation 7 Direction in the areas include; the detrimental impact large numbers of boards has on the attractiveness of the individual properties, streets and conservation areas; difficulties in enforcing the current Regulations especially when it comes to multiple boards on a single property and securing the removal of boards post-sale/let completion; frustration of residents at having boards attached to their properties when they are not for sale and subsequent difficulties in getting them removed; and the alternative methods of selling/letting properties that do not require boards (for example the internet.)

### 3.0 CONCLUSION

3.1 It has been illustrated that the visual amenity of certain streets within the Borough is being compromised through excessive and/or illegal estate agents' board advertising. These streets form parts of conservation areas where the Council has a statutory duty to preserve or enhance the character or appearance of the area.

3.2 Despite the best efforts of enforcement officers, the control of the displays in these areas is proving both difficult to monitor and time consuming. It is therefore requested that Members agree to the submission of an application to the ODPM under Regulation 7 of the Advertisement Regulations as a means of improving the appearance of these areas and in assisting enforcement officers to provide a more effective control over any future displays.






**Hammersmith & Fulham**  
*Serving our Community*

### Baron's Court Conservation Area

Regulation 7 Direction 2006

 Proposed Area

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