

2 September 2010

Ryan Kristiansen
Planning Enforcement Officer
Hammersmith & Fulham Council
Planning Enforcement
5th Floor Town Hall Extension
King Street
Hammersmith
London
W6 9JU

Our Ref: APP/H5390/REG7/10/8
Your Ref:

Dear Sir,

**TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)
(ENGLAND) REGULATIONS 2007: ("the Regulations")
REGULATION 7: DIRECTION RESTRICTING DEEMED CONSENT**

1. I am directed by the Secretary of State to refer to the request made by the London Borough of Hammersmith and Fulham ("the Council") on 10 March 2010 for a Direction that deemed consent for the display of estate agents' boards relating to the sale or letting of premises which are advertisements within Schedule 3, Part 1, Class 3A of the Regulations should not apply in certain areas within the London Borough of Hammersmith and Fulham.

2. The Council's request for the making of the Direction was publicly advertised in the local press and the London Gazette on 23 March 2010. The Council has also written to local residents and estate agents about the proposed Direction. The responses received by the Council were overwhelmingly in favour of the proposed Direction. Two responses in support of the proposal were received by the Secretary of State. Consideration has been given to the report of the Secretary of State's Inspector, David Leeming, who inspected the areas in question.

The Proposed Areas

3. The Inspector pointed out that minor errors occurred in the Council's descriptions of the properties in Lisgar Terrace and in Trevanion Road, through the addition of the words 'evens' and 'odds' respectively. It is clear from the plans provided by the Council that their proposal is intended to apply to the properties 1-16 consecutively in the former road and 1-11 consecutively in the latter. Also, the reference to the exclusion of Pelham House, from the addresses in Mornington Avenue, is unnecessary and potentially confusing, since this block of flats is not within the Olympia and Avonmore Conservation Area.

Amendments to the descriptions of the proposed areas have therefore been included in paragraph 4, below. For the avoidance of any doubt, the addresses of the properties proposed for inclusion under the Direction in Mornington Avenue have also been included below and minor clarifications have been made to the listings for Edith Road, Gwendwr Road, Fulham Road, Moore Park Road and New Kings Road.

4. The proposed Direction would apply to the whole of the Hammersmith Grove Conservation Area.

In the Olympia and Avonmore Conservation Area, the Direction would cover:

Avonmore Road (13-61 odds, 14-76 evens, 1-42 Avonmore Gardens)

Lisgar Terrace (1-16)

Matheson Road (1-45 odds, 2-34 evens)

Mornington Avenue (1-35 odds, 10-24 evens, plus Mornington Avenue Mansions and Whiteley's Cottages)

North End Crescent (26-32 evens)

Stanwick Road (2-20 evens, 1-31 odds, including 1a, plus 32-61 Stanwick Mansions)

Stonor Road (1-29 odds, 2-26 evens)

In the Gunter Estate Conservation Area the Direction would cover:

Auriol Road (42-46 evens)

Edith Road (25-33 odds, 39-107 odds, 22-124 evens, plus Auriol Mansions)

Glazbury Road (4-34 evens, 1-31 odds)

Gliddon Road (1-9 on east side)

Gunterstone Road (1-103 odds, 2-44 evens)

Gwendwr Road (1-17 odds, 39-61 odds, 2-20 evens) plus Gwendwr Lodge

Trevanion Road (1-11)

North End Road (62-70 evens on west side, 62B)

In the Walham Green, Parsons Green and Moore Park Conservation Areas the proposed Direction would cover:

Harwood Road – all addresses including Broxholme House

Fulham Road (567-569 odds)

Moore Park Road (103-107 odds)

New Kings Road (22-24 evens)

The Council's reasons for making the Direction

5. The Council consider that the character and appearance of the areas proposed for the stricter controls is harmed by the proliferation of estate agents' boards. They have identified that the majority of the properties have been subdivided into many residential units. This tends to attract a more transient population, resulting in the sale or letting of the units more frequently. According to the Council, the Regulations are being increasingly flouted through multiple board displays at individual properties, by boards remaining in place far in excess of the permitted period within Class 3A and by boards being displayed at properties that are not actually for sale or let. Owing to the number of boards on display, enforcement investigations to establish which boards are lawful and securing the removal of those that are not is proving difficult and time-consuming.

Description of Proposed Areas

6. The Hammersmith Grove Conservation Area, to the north of the commercial heart of Hammersmith, is primarily residential in character. The exception is a short section on the northern boundary fronting Goldhawk Road. The principal part of the area is the residential section of Hammersmith Grove. The straightness of the road reflects the formal nature of the development, dating from the 1840s. This comprises mainly 3-storey terraces, many with semi-basements, but also a number of grand semi-detached villas. The remaining streets, leading off the northern end of Hammersmith Grove, have a range of residential development with a more intimate scale, particularly the cottage-style mews development of Grove Mews. A number of the buildings in Hammersmith Grove are on the Local Register of Buildings of Merit.

Olympia and Avonmore Conservation Area

7. The Direction would cover the south-eastern part of this Conservation Area, excluding the commercial development known as Kensington Village. The short terrace within North End Crescent is in a mixed use. Otherwise, the proposed area is almost wholly residential. Most of the buildings are highly ornamented late Victorian residential terraces. They are generally three or four storey, some with basement accommodation, and are built with stucco, stone or moulded detailing. Nos. 22 and 22A Avonmore Road are Grade II* listed buildings. Several others are included on the Local Register of Buildings of Merit, including Whiteley's Cottages in Mornington Avenue.

The Gunter Estate Conservation Area

8. The Direction would cover about two-thirds of the Conservation Area. Much of this, including the core streets of Gunterstone Road and Edith Road, is characterised by Victorian development dating from the 1880s, built in Gault brick. There is some variety in the built form, with terraces, paired and single villas and mansion blocks. However, the layout is of a generally consistent pattern. Many original features of the buildings remain, including the fenestration, front doors and boundary treatment. Gwendwr Road has particularly fine terraces, that on the northern side having distinctive bay windows at first floor level. Here, original railings are evident along the frontage boundary walls. The western part of the area, notably in Gunterstone Road,

contains red brick terraces dating from the 1890s, following an 'Arts and Crafts' style.

Walham Green, Parsons Green and Moore Park Conservation Areas

9. The Direction would apply to all the properties in Harwood Road plus a few others in adjoining roads that form part of the street scene along it. At the southern end a large mansion block, Broxholme House, is also included.

10. The northern section of Harwood Road is in the south-eastern part of the Walham Green Conservation Area. It forms a transition zone between the town centre at Fulham Broadway and the wholly residential terraces further south. Within this section there is a mix of development, in buildings dating from the Victorian era to the 1980s. Part of Fulham town hall, a Grade II listed building, fronts onto Harwood Road. This dates from 1905 and has a distinctive architectural style, with much ornamentation, including an open segmental pediment in which a large clock is positioned, extending forwards at right-angles to the frontage.

11. The other section of Harwood Road, to the south of Moore Park Road, contains residential terraces. The single long terrace on the north-east side is within the Moore Park Conservation Area. The terraces on the south-west side fall within the Parsons Green Conservation Area. The single terrace consists of 3-storey Victorian houses with semi-basements. The Victorian terraces on the other side of the road have some architectural variation but complement the scale of the properties opposite. Broxholme House has a Queen Anne style and dates from the 1930s. It has commercial frontages to New Kings Road but flats above and in extended side wings. The southernmost wing has balconies that have views over the adjacent public open space, Eel Brook Common.

Conclusions and recommendations

12. For the reasons set out in IR 17-24, the Secretary of State agrees with the Inspector's conclusion at IR 25 that normal advertising controls were inadequate and the harm to visual amenity that the Inspector had identified on his site visits within the areas in question could only be overcome by removing deemed consent rights for the display of estate agents' boards. No period of time over which the Direction should apply was specified in the Council's submission. However, the Inspector recommended at IR26-27 that, as the Direction will remove the qualified right to display a specified class of advertisements with deemed consent, the council should be required to review the need for powers that would otherwise been granted by statute. He took the view that it would be inappropriate to permanently remove the deemed consent provisions at this time and so recommended that the Direction should apply initially for a period of five years. The Secretary of State agrees with the recommendation that the Direction should apply for five years.

Formal decision

20. The Secretary of State accepts the conclusions and recommendations made by the Inspector set out in paragraph 19 above. The Secretary of State therefore agrees that a Direction should be made in the terms specified to control the display of advertisements relating to the sale or letting of premises within the

areas identified below and on the maps submitted by the Council for a period of five years.

The whole of the Hammersmith Grove Conservation Area.

In the Olympia and Avonmore Conservation Area:

Avonmore Road (13-61 odds, 14-76 evens, 1-42 Avonmore Gardens)

Lisgar Terrace (1-16)

Matheson Road (1-45 odds, 2-34 evens)

Mornington Avenue (1-35 odds, 10-24 evens, plus Mornington Avenue Mansions and Whiteley's Cottages)

North End Crescent (26-32 evens)

Stanwick Road (2-20 evens, 1-31 odds, including 1a, plus 32-61 Stanwick Mansions)

Stonor Road (1-29 odds, 2-26 evens)

In the Gunter Estate Conservation Area:

Auriol Road (42-46 evens)

Edith Road (25-33 odds, 39-107 odds, 22-124 evens, plus Auriol Mansions)

Glazbury Road (4-34 evens, 1-31 odds)

Gliddon Road (1-9 on east side)

Gunterstone Road (1-103 odds, 2-44 evens)

Gwendwr Road (1-17 odds, 39-61 odds, 2-20 evens) plus Gwendwr lodge

Trevanion Road (1-11)

North End Road (62-70 evens on west side, 62B)

In the Walham Green, Parsons Green and Moore Park Conservation Areas:

Harwood Road – all addresses including Broxholme House

Fulham Road (567-569 odds)

Moore Park Road (103-107 odds)

New Kings Road (22-24 evens)

A formal Direction to this effect is enclosed. The Council's attention is drawn to the provisions of Regulation 7(7), which specify the procedure for publishing the effect and date of operation of the Direction.

21. When this Direction is brought into effect, the display of estate agents' boards in respect of the sale and letting of premises may only be undertaken lawfully in the areas specified in paragraph 20, above, when the Council have granted

express consent for the display. In order not to prejudice the interests of persons wishing to display advertisements for property lettings, the Council are invited to ensure that any such applications for express consent are decided within the period specified in Regulation 14(1) of the Regulations.

Right of Appeal against the Decision

22. The decision of the Secretary of State may be challenged by way of an application to the High Court and a separate note is attached to this letter setting out the circumstances in which such an application may be made.

Yours faithfully,

Robert Segall

Authorised by the Secretary of State to sign on that behalf

Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)
(ENGLAND) REGULATIONS 2007
APPLICATIONS TO THE HIGH COURT

1. Under the provisions of section 288 of the Town and Country Planning Act 1990 a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within 6 weeks from the date of the accompanying letter.
2. The grounds upon which an application may be made to the Court are:
 - a) that the decision is not within the powers of the Act (that is, the Secretary of State has exceeded her powers); or
 - b) that any of the relevant requirements have not been complied with, and that the applicant's interests have been substantially prejudiced by the failure to comply.
3. The "relevant requirements" are defined in section 288 of the Act as any requirements of that Act and the Tribunals and Inquiries Act 1992, or of any order, regulations or rules made under either Act which are applicable (s.288(9)). These include the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (SI 2007 No. 783) and the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 (SI 2000 No. 1624).
4. A person who thinks he may have grounds for challenging the decision should seek legal advice before taking any action.

INSPECTION OF DOCUMENTS – APPLICABLE ONLY TO APPEALS WHICH WERE THE SUBJECT OF A HEARING

5. Under the provisions of Rule 15(4) and (5) of the Town and Country Planning (Hearings Procedure) (England) Rules 2000 (SI 2000 No. 1626), any person entitled to be notified of the decision given in the letter may apply to the Secretary of State in writing within 6 weeks of the notification to him of the decision or the supply to him of the report, whichever is the later, for the opportunity of inspecting any documents, photographs and plans appended to the report. Any application under this provision should be sent to the address from which the decision was issued, quoting the Department's reference number shown on the decision letter and stating the date and time (in normal office hours) when it is proposed to make the inspection. At least three days' notice should be given, if possible.

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)
(ENGLAND) REGULATIONS 2007
REGULATION 7: DIRECTION RESTRICTING DEEMED CONSENT

The Secretary of State for Communities and Local Government ('the Secretary of State') has had a proposal made to him by the London Borough of Hammersmith and Fulham, as the local planning authority, that deemed consent for the display of advertisements relating to the sale and letting of premises as specified in Class 3A of Schedule 3, Part 1, to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the 'Regulations') should be withdrawn in parts of Hammersmith and Fulham.

The Direction would cover an area comprising:

The whole of the Hammersmith Grove Conservation Area.

In the Olympia and Avonmore Conservation Area, the Direction would cover: Avonmore Road (13-61 odds, 14-76 evens, 1-42 Avonmore Gardens), Lisgar Terrace (1-16), Matheson Road (1-45 odds, 2-34 evens), Mornington Avenue (1-35 odds, 10-24 evens, plus Mornington Avenue Mansions and Whiteley's Cottages), North End Crescent (26-32 evens), Stanwick Road (2-20 evens, 1-31 odds, including 1a, plus 32-61 Stanwick Mansions), Stonor Road (1-29 odds, 2-26 evens).

In the Gunter Estate Conservation Area the Direction would cover: Auriol Road (42-46 evens), Edith Road (25-33 odds, 39-107 odds, 22-124 evens, plus Auriol Mansions), Glazbury Road (4-34 evens, 1-31 odds), Gliddon Road (1-9 on east side), Gunterstone Road (1-103 odds, 2-44 evens), Gwendwr Road (1-17 odds, 39-61 odds, 2-20 evens plus Gwendwr Lodge), Trevanion Road (1-11), North End Road (62-70 evens on west side, 62B).

In the Walham Green, Parsons Green and Moore Park Conservation Areas the proposed Direction would cover: Harwood Road – all addresses including Broxholme House, Fulham Road (567-569 odds), Moore Park Road (103-107 odds), New Kings Road (22-24 evens).

The proposal has been publicly advertised and representations made to the Secretary of State in accordance with the provisions of the Regulations.

The areas to be included in the Direction are specified in the Schedule to this Direction and identified in the plans, annexed hereto.

This Direction shall have effect for five years from the date on which it comes into force in accordance with the provisions of the Regulations.

Schedule

This Direction relates to the display of advertisements under Class 3A in Part 1 of Schedule 3 to the Regulations in the following areas:

The whole of the Hammersmith Grove Conservation Area

In the Olympia and Avonmore Conservation Area, the Direction would cover:

Avonmore Road (13-61 odds, 14-76 evens, 1-42 Avonmore Gardens)

Lisgar Terrace (1-16)

Matheson Road (1-45 odds, 2-34 evens)

Mornington Avenue (1-35 odds, 10-24 evens, plus Mornington Avenue Mansions and Whiteley's Cottages)

North End Crescent (26-32 evens)

Stanwick Road (2-20 evens, 1-31 odds, including 1a, plus 32-61 Stanwick Mansions)

Stonor Road (1-29 odds, 2-26 evens)

In the Gunter Estate Conservation Area the Direction would cover:

Auriol Road (42-46 evens)

Edith Road (25-33 odds, 39-107 odds, 22-124 evens, plus Auriol Mansions)

Glazbury Road (4-34 evens, 1-31 odds)

Gliddon Road (1-9 on east side)

Gunterstone Road (1-103 odds, 2-44 evens)

Gwendwr Road (1-17 odds, 39-61 odds, 2-20 evens) plus Gwendwr Lodge

Trevanion Road (1-11)

North End Road (62-70 evens on west side, 62B)

In the Walham Green, Parsons Green and Moore Park Conservation Areas the proposed Direction would cover:

Harwood Road – all addresses including Broxholme House

Fulham Road (567-569 odds)

Moore Park Road (103-107 odds)

New Kings Road (22-24 evens)

The reasons for the Secretary of State's decision are set out in his letter of 2 September 2010 to the Council, a copy of which is attached.

2 September 2010

Robert Segall
Head of Branch
Department for Communities and Local Government
Authorised by the Secretary of State to sign on that behalf



Report to the Secretary of State for Communities and Local Government

by David Leeming

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

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ GTN 1371 8000

Date:
4 June 2010

TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (ENGLAND)
REGULATIONS 2007

HAMMERSMITH & FULHAM LONDON BOROUGH COUNCIL

APPLICATION FOR A DIRECTION UNDER REGULATION 7 RESTRICTING DEEMED
CONSENT FOR ESTATE AGENTS' BOARDS

Site visits made on 25 May 2010

File Ref: APP/H5390/REG7/10/8

Preliminary Matters

1. Minor errors have occurred in the Council's descriptions of the properties in Lisgar Terrace and in Trevanion Road, through the addition of the words 'evens' and 'odds' respectively. The Direction is clearly intended to apply to the properties 1-16 consecutively in the former road and 1-11 in the latter. Also, the reference to exclusion of Pelham House, from the addresses in Mornington Avenue, is unnecessary and potentially confusing, since this block of flats is not within the Olympia & Avonmore Conservation Area. Accordingly, I have made amendments to the descriptions, in paragraph 4 below. For the avoidance of any doubt, I have set out in full the addresses that are proposed for inclusion under the Direction in Mornington Avenue. I have also made further minor clarifications, in paragraph 5, to the listings for Edith Road.

The Terms of the Direction

2. The Direction would remove deemed consent rights applicable to the display of estate agents' boards falling within Class 3A of Schedule 3, Part 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Land to which the Direction would apply

3. The Direction would apply to the whole of the Hammersmith Grove Conservation Area. In addition, it would apply to parts of the Olympia and Avonmore, Gunter Estate, Waltham Green, Parsons Green and Moore Park Conservation Areas.
4. In the Olympia and Avonmore Conservation Area, the Direction would cover:
Avonmore Road (13-61 odds, 14-76 evens, 1-42 Avonmore Gardens)
Lisgar Terrace (1-16)
Matheson Road (1-45 odds, 2-34 evens)
Mornington Avenue (1-35 odds, 10-24 evens, plus Mornington Avenue Mansions and Whiteley's Cottages)
North End Crescent (26-32 evens)
Stanwick Road (2-20 evens, 1-31 odds, including 1a, plus 32-61 Stanwick Mansions)
Stonor Road (1-29 odds, 2-26 evens)
5. In the Gunter Estate Conservation Area:
Auriol Road (42-46 evens)
Edith Road (25-33 odds, 39-107 odds, 22-124 evens, plus Auriol Mansions)
Glazbury Road (4-34 evens, 1-31 odds)
Gliddon Road (1-9 on east side)
Gunterstone Road (1-103 odds, 2-44 evens)
Gwendwr Road (1-17 odds, 39-61 odds, 2-20 evens)

Trevanion Road (1-11)

North End Road (62-70 evens on west side, 62B)

6. In the Waltham Green, Parsons Green and Moore Park Conservation Areas:

Harwood Road – all addresses including Broxholme House

Fulham Road (567-569)

Moore Park Road (103-107)

New Kings Road (22-24)

The Council's reasons for making the submission

7. The Council consider that the character and appearance of the areas proposed for the stricter controls is harmed by the proliferation of estate agents' boards. They have identified that the majority of the properties have been subdivided into many residential units. This tends to attract a more transient population, resulting in the sale or letting of the units more frequently.
8. It is apparent to the Council that the Regulations are being increasingly flouted through multiple board displays at individual properties, by boards remaining in place far in excess of the permitted period within Class 3A and by boards being displayed at properties that are not actually for sale or let. Owing to the number of boards on display, enforcement investigations to establish which boards are lawful and to secure removal of those that are not is proving difficult to monitor and time consuming.

Support for the Proposal

9. Prior to seeking the Direction, the Council wrote to local residents and estate agents to ask whether they would support or oppose the Council's initiative. The considerable response received by the Council was overwhelmingly in favour of the proposal.

Objections to the Direction

10. There were no objections during the formal period for comments, following publication of press notices about the proposed Direction on 23 March 2010.

Description of the Proposed Areas

Hammersmith Grove Conservation Area

11. This Conservation Area, to the north of the commercial heart of Hammersmith, is primarily residential in character. The exception is a short section on the northern boundary fronting Goldhawk Road. The principal part of the area is the residential section of Hammersmith Grove. The straightness of the road reflects the formal nature of the development, dating from the 1840s. This comprises mainly 3-storey terraces, many with semi-basements, but also a number of grand semi-detached villas. The remaining streets, leading off the northern end of Hammersmith Grove, have a range of residential development with a more intimate scale, particularly the cottage-style mews development of Grove Mews. A number of the buildings in Hammersmith Grove are on the Local Register of Buildings of Merit.

Olympia & Avonmore Conservation Area

12. The Direction would cover the south-eastern part of this Conservation Area, excluding the commercial development known as Kensington Village. The short terrace within North End Crescent is in a mixed use. Otherwise, the proposed area is almost wholly residential. Most of the buildings are highly ornamented late Victorian residential terraces. They are generally three or four storey, some with basement accommodation, and are built with stucco, stone or moulded detailing. Nos. 22 and 22A Avonmore Road are Grade II* listed buildings. Several others are included on the Local Register of Buildings of Merit, including Whiteley's Cottages in Mornington Avenue.

The Gunter Estate Conservation Area

13. The Direction would cover about two-thirds of the Conservation Area. Much of this, including the core streets of Gunterstone Road and Edith Road, is characterised by Victorian development dating from the 1880s, built in Gault brick. There is some variety in the built form, with terraces, paired and single villas and mansion blocks. However, the layout is of a generally consistent pattern. Many original features of the buildings remain, including the fenestration, front doors and boundary treatment. Gwendwr Road has particularly fine terraces, that on the northern side having distinctive bay windows at first floor level. Here, original railings are evident along the frontage boundary walls. The western part of the area, notably in Gunterstone Road, contains red brick terraces dating from the 1890s, following an 'Arts and Crafts' style.

Waltham Green, Parsons Green and Moore Park Conservation Areas

14. The Direction would apply to all the properties in Harwood Road plus a few others in adjoining roads that form part of the street scene along it. At the southern end a large mansion block, Broxholme House, is also included.
15. The northern section of Harwood Road is in the south-eastern part of the Waltham Green Conservation Area. It forms a transition zone between the town centre at Fulham Broadway and the wholly residential terraces further south. Within this section there is a mix of development, in buildings dating from the Victorian era to the 1980s. Part of Fulham town hall, a Grade II listed building, fronts onto Harwood Road. This dates from 1905 and has a distinctive architectural style, with much ornamentation, including an open segmental pediment in which a large clock is positioned, extending forwards at right-angles to the frontage.
16. The other section of Harwood Road, to the south of Moore Park Road, contains residential terraces. The single long terrace on the north-east side is within the Moore Park Conservation Area. The terraces on the south-west side fall within the Parsons Green Conservation Area. The single terrace consists of 3-storey Victorian houses with semi-basements. The Victorian terraces on the other side of the road have some architectural variation but complement the scale of the properties opposite. Broxholme House has a Queen Anne style and dates from the 1930s. It has commercial frontages to New Kings Road but flats above and in extended side wings. The southernmost wing has balconies that have views over the adjacent public open space, Eel Brook Common.

Appraisal

17. *Planning Policy Guidance Note 19: Outdoor Advertisement Control (PPG19)* provides guidance on the Secretary of State's direction-making powers. It states that before a Direction can be made the Secretary of State will expect the LPA to show that it would improve visual amenity and that there is no other way of effectively controlling the display of that particular Class of advertisement.
18. The Council highlight the historical importance and architectural significance of the parts of the Conservation Areas proposed for inclusion within the Direction. I observed that many of the residential streets have a dignified and elegant appearance. A number have long uniform terraces. Even where there is some variety of style, by and large this complements the prevailing built form. As a result, there is a well-ordered character, enhanced by the many original retained features.
19. Given the substantial size of the majority of the buildings, many have been subdivided and are now let. This has created a significant turnover of properties and resulted in a steady demand for the display of estate agents' boards. I saw a considerable number of boards in some roads, notably in Hammersmith Grove (32), Avonmore Road (24), Harwood Road (23), Edith Road (15) and Gwendwr Road (14), with several local concentrations. There were clear examples of the Regulations being flouted, with multiple board displays at a number of individual properties.
20. The total numbers of boards I saw (with the maximum number seen at any one time during the Council's surveys shown in brackets), are: Hammersmith Grove CA - 35 (47); Olympia & Avonmore CA - 42 (58); Gunter Estate CA - 42 (46); and Waltham Green/ Parsons Green/ Moore Park CAs (principally Harwood Road) - 25 (22). In the Hammersmith Grove I noticed 3 boards on one frontage and 3 on another. In Avonmore Road one frontage displayed 3 boards and another had 4. There were several examples within the Gunter Estate of properties displaying 2 or more boards.
21. My findings confirm those of the Council that there is an abuse of the Regulations. However, where multiple boards are displayed, I can appreciate the Council's difficulties in seeking compliance with the Regulations. In such circumstances there is likely to be uncertainty over which of the boards was the first to be displayed and should be taken, under class 3A (1) of Schedule 3 of the Regulations, as the one permitted.
22. Difficulties are also faced where individual boards are retained after the permitted period in Class 3A. The evidence of local residents, in response to the Council's consultation letters, indicates that there has been much abuse of the deemed consent provisions through the display of boards long after properties have been sold or let. Local residents have also advised that, in some cases, boards have been erected on frontages where properties are not for sale or rent. The Council need to establish the facts before they can enforce the Regulations. It is clearly impractical to carry out this task effectively given the number of boards being displayed at any one time within the locality.
23. The evidence of my visits provides corroboration that there is a significant problem in the defined areas, even though many boards are no doubt displayed lawfully. The local concentrations of boards I saw on the residential terraces in

Hammersmith Grove, Avonmore Road and Harwood Road created a particular impression of clutter and excess. However, it is unquestionably the case that even a limited number of projecting boards can have a noticeably intrusive effect in straight terraced streets such as many of those within the areas proposed for the Direction.

24. Although there is limited commercial development within the proposed areas, I particularly noted, in Harwood Road, 2 V-shaped boards relating to commercial properties, displayed on the terrace to the south of the Town Hall. These had an intrusive effect, detracting from the setting of this statutory listed building.

Conclusions

25. Taking the above matters together and having regard to the degree of local support for the proposed direction, I conclude that normal controls are inadequate here. I further conclude, on the evidence of my site visits, that the harm to visual amenity I have identified within the areas in question could only be overcome by removing deemed consent rights for the display of estate agents' boards.

Recommendation

26. I recommend that the Direction be made, as sought, but subject to the minor changes in the descriptions of the properties, as referred to in paragraph 1 and as set out in paragraphs 4 and 5 above.
27. No period of time over which the Direction should apply was specified in the Council's submission. However, because the Direction will remove the qualified right to display a specified class of advertisement with deemed consent, I consider it important that the Council should be required to review the need for powers that have otherwise been granted by statute. In view of this, I am of the opinion that it would be inappropriate to permanently remove the deemed consent provisions at this time. I recommend that the Direction should apply initially for a period of 5 years.

David Leeming

INSPECTOR