

Appeal Decision

Site visit made on 5 January 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 13 January 2017

Appeal Ref: APP/E5900/Z/16/3156510

East One Building, 22 Commercial Street, London E1 6LP

- 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 Jamie MacArthur against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/16/01285, dated 13 May 2016, was refused by notice dated 6 July 2016.
 - The advertisement proposed is a wall mounted LED panel and associated cladding.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the wall mounted LED panel and associated cladding upon the character and appearance of the area.

Reasons

Site and proposal

3. The appeal site comprises a five storey building located on the east side of Commercial Street. The area includes a mix of uses although a number of the ground floor premises in Commercial Street are in commercial use. The site is next to the Canon Barnett Primary School including its playground.
4. It is proposed to erect a LED advertisement panel on the side elevation of the host building at third and fourth floor levels. It would measure 6 metres in width and 4 metres in height and would have steel and aluminium extrusions and a PVC screen face. It would replace existing illuminated lettering down the side of the host building which reads "East One" and the appellant states that the illuminated images would be static (no animations or flashing images) with each image changed no less than every ten seconds. The plans show new lettering to read "East One" at first floor level: this would be positioned underneath the proposed LED advertisement panel.

Character and appearance

5. The Council has made reference to Policy SP10 of the Tower Hamlets Core Strategy 2010 (CS) and Policies DM23 and DM25 of the Tower Hamlets Managing Development Document 2013 (MDD) all of which seek to ensure well designed proposals and to give consideration to the effect of proposals upon
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the character and appearance of areas. However, the Regulations require that advertisement applications are considered solely on the basis of amenity and public safety considerations. Therefore, the policies have not been decisive in my determination of the appeal.

6. Commercial Street is a busy street and almost all of the advertisements are understated. They mainly feature at ground floor fascia levels. This means that the upper floors of the buildings are devoid of advertisements thereby giving the locality some visual consistency. In this context, the proposal would be at odds with the character and appearance of the locality given its position and size on the host building. Whilst I do acknowledge that there are some existing illuminated letters (at a high level) on the host building, when compared to the proposal these are completely different in terms of scale and appearance.
7. In conclusion, owing to the scale, position and extent of illumination of the proposed LED advertisement panel it would appear as an incongruous addition to the street-scene and would cause significant harm to the character and appearance of the area. It would be a stark contrast to the simple and unimposing advertisements that are mainly at ground floor fascia levels. Consequently, the proposal would not accord with the design and amenity aims of Policy SP10 of the CS and Policies DM23 and DM25 of the MDD.

Other Matters

8. I have no reason to disagree with the conclusions reached by Transport of London that subject to planning conditions the proposal would not cause unacceptable harm to public safety. Furthermore, despite the proximity of the proposed advertisement to the playground of Canon Barnett Primary School, I am mindful that the type of images shown would be controlled by means of the Advertising Standards Authority.
9. I am aware that the building is close to the Grade II listed Toynbee Hall. However, given the position of the advertisement, and the separation distance involved, I do not consider that the proposal would, in amenity terms, harm the setting of this listed building.
10. I do not doubt that the proposed advertisement would be of use to local businesses and/or community groups. However, this is not a relevant public safety or amenity consideration.
11. None of the others matters raised outweigh my conclusion on the main issue.

Conclusion

12. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Daniel Hartley

INSPECTOR