The Planning Inspectorate

Appeal Decision

Site visit made on 6 February 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 13th February 2017

Appeal Ref: APP/U5360/Z/16/3163654
20A Shoreditch High Street, London E1 6PG

- 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 Guy Goodyear, Outdoor Plus Limited against the decision of the Council of the London Borough of Hackney.
- The application Ref 2016/3073, dated 15 August 2016, was refused by notice dated 11 November 2016.
- The advertisement proposed is LED illuminated advertising billboard.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the South Shoreditch Conservation Area, the setting of nearby locally listed buildings and the surrounding area.

Reasons

3. The National Planning Policy Framework (the Framework) states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

4. The appeal site is a south facing flank wall of a 2 storey terrace on the east side of Shoreditch High Street, south of the junction with Commercial Street and Great Eastern Street. The surrounding area is characterised by commercial uses including bars, restaurants and retail uses to the north and commercial uses to the south, east and west.

5. The site is located in close proximity to the South Shoreditch Conservation Area boundary to the west which lies along the centre of Shoreditch High Street. I am, therefore, required to pay special attention to the desirability of preserving or enhancing the character or appearance of that area in accordance with the statutory duty under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. The South Shoreditch Conservation Area Appraisal (CAA) 2009 identifies that the special interest and distinctive character of the area derives from the mix of quite grand, four and five storey former retail and warehouse buildings associated with the historic concentration of the furniture trade in combination with smaller, lower-scale buildings set behind the main frontages.

7. Numbers 229-230 Shoreditch High Street are locally listed buildings situated opposite the appeal site comprised of plain brick, 4 storey properties with commercial uses on the ground floor. Although the eastern side of this section of Shoreditch High Street lies outside of the Conservation Area it, nevertheless, closely informs the setting by vertically enclosing the street. Furthermore, the flank elevation of the building is situated at the northern end of a large gap in the street and thus occupies a prominent position. Consequently, the appeal site forms an important gateway into the Conservation Area when viewed from the south.

8. The proposal is for an internally illuminated LED panel sign of approximately 3.5m high and a width of 6.5m to the south elevation of the building to replace the existing illuminated billboard of similar dimensions on the site. The images displayed upon the signs would alternate at a maximum of every 10 seconds and would be controlled remotely. Due to the location, size and method of illumination I consider that the proposal would be a discordant feature when seen in the context of the Conservation Area and against the backdrop of the locally listed buildings.

9. I note that the display would be operated in accordance with the guidance prescribed in the Institute of Lighting Professionals. I also note the suggested conditions proposed by the appellant to control the display and illumination. This includes conditions which control the minimum display time for each advertisement and the interval between successive displays. Nonetheless, given the prominent location and proximity to the Conservation Area, I consider that the inclusion of a digital screen with alternating imagery would significantly increase the visual impact of the proposal and draw attention to its detrimental appearance.

10. The proposal would replace an existing signage of a similar design and scale which has deemed consent by virtue of Class 13 (Part 1 of Schedule 3) of the Regulations which relates to advertisements on sites used for the preceding ten years for the display of advertisements without express consent. However, Class 13 is subject to conditions and limitations. Deemed consent is not permitted if an advertisement comprises sequential displays or otherwise includes moving parts or features or features intermittent lighting in a manner to give the appearance of movement, unless it has previously done so.

11. Whilst I have had regard to the existing sign I consider that for the reasons stated the inclusion of a digital screen with alternating imagery would have a more harmful effect than the existing sign. The fall-back position of the existing sign does not, therefore, justify the harm which I have identified.

12. For the reasons stated I conclude that the proposed advertisement would result in material harm to the visual amenity of the surrounding area. Furthermore, the proposal would fail to preserve or enhance the setting of the South Shoreditch Conservation Area and locally listed buildings.

13. Polices 7.4, 7.6 and 7.8 of the London Plan together require development proposals to be of the highest architectural quality which have regard to local character and conserve the significance of heritage assets and their settings by being sympathetic to their form, scale, materials and architectural details.

14. In addition, policies CS24 and CS25 of the Council's Core Strategy 2010 together seek to ensure that development enriches and enhances the built environment and makes a positive contribution to local character.

15. Furthermore, policies DM1 and DM28 of the Development Management Local Plan (DMLP) together seek to ensure high quality design which preserves or enhances the character and appearance of Conservation Areas. Finally, Policy DM29 of the DMLP requires advertisements to be of the highest possible standard and contribute to a safe and attractive environment. I have taken account of these policies which seek to protect amenity and so are material in this case. Given I have concluded that the proposal would harm amenity the proposal would conflict with these policies.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

Caroline Mulloy

Inspector