
Appeal Decision

Site visit made on 23 January 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 13 February 2017

Appeal Ref: APP/E5900/Z/16/3160797

Advert 150 East India Dock Road, East India Dock Road, London E14 0BP

- 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 Insite Poster Properties Ltd against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/16/01764, dated 27 June 2016, was refused by notice dated 18 August 2016.
 - The advertisement proposed is the replacement of existing single sided internally-illuminated backlit 48 sheet advertising unit with single new internally-illuminated digital LED 48 sheet advertising unit.
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Decision

1. The appeal is allowed and express consent is granted for the replacement of existing single sided internally-illuminated backlit 48 sheet advertising unit with single new internally-illuminated digital LED 48 sheet advertising unit, as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions included in the Schedule at Annexe A.

Procedural Matters

2. The description of the proposal in the heading above has been taken from the application form. However, in Part E of the appeal form a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of the proposal has been agreed. Accordingly, I have used the one given on the original application.
3. In accordance with the National Planning Policy Framework (the Framework) and the Regulations¹, my consideration of this appeal is confined to the issue of amenity, taking into account the provisions of the development plan, so far as they are material and any other relevant factors including cumulative impacts.

Main Issue

4. The Council raised no concerns with regard to the public safety impacts of the advertisement proposal. On the basis of the evidence before me, I have no reason to disagree. Consequently, the main issue is the effect of the proposal on the amenity of the area, having particular regard to the location of the appeal site in the St Matthias Church Conservation Area (the CA) and the setting of the nearby Grade II listed Trinity Church.

¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Reasons

5. National planning policy seeks to secure high quality design and advises that poorly placed advertisements can have a negative impact on the appearance of the built environment². In addition to the specific advice relating to advertisements, the Framework also sets out Government policy in relation to the historic environment. Paragraph 126 states that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. As such, I am therefore mindful of my duties under Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 in relation both the CA and the setting of listed buildings.
6. The prevailing character of the CA is defined by its group of miscellaneous public buildings and residential townscape, which aids to complement the St Matthias Church and the Poplar Recreation Ground which surrounds it. Trinity Church, is Grade II listed building constructed in the 1950s, is located on the opposite side of East India Dock Road to that of the appeal site.
7. The host building is the Manor Arms public house which is sited on the boundary of the CA and consists of a three storey brick building. The flank wall above the first storey is the location of the existing and proposed advertisements and is visible to eastbound traffic on the East India Dock Road.
8. The proposal seeks to replace the existing advertisement panel with one of similar width and height. In addition, the proposal would result in a panel of less depth than the current hoarding. The reduction is depth of approximately 200mm and would in my opinion reduce its physical prominence on the side flank wall of the host building. Furthermore, the change to the method of internal illumination using LED lighting, would enable the intensity of illumination to be reduced from 600cd/m² to 300 cd/m² during both the daytime and night-time. Conditions are also suggested by the appellant concerning how the images are displayed and for what duration.
9. The Council has not raised concern in relation to the level of proposed illumination or scale of the hoarding. Nonetheless, the Council contend that as the proposed static display would change every 10 seconds, and in the absence of any other similar activity in the immediate locality, this would draw attention to the advertisement and would result in significant harm to the visual amenity of the surrounding area and heritage assets.
10. From the evidence before me, I note that the host building has housed an advertisement hoarding in one form or another since the late 1980's. Nonetheless, there are very few commercial advertisements located on East India Dock Road or within the wider CA. Of those that I did observe, the majority were generally modest in scale and non-illuminated.
11. Despite this, I consider that the blank mass of the side flank wall of the host building is capable of accommodating a sign of this size without it appearing excessive in scale. No architectural features of the host building would be covered up by the hoarding and I do not consider that it would detract from the overall design or appearance of the building.
12. The main views of the advertisement would be limited predominantly to east bound traffic and pedestrians. In addition, I consider that the slimmer design

² National Planning Policy Framework paragraph 17, 4th bullet point and paragraph 67

and lower intensity of illumination would improve the visual relationship between the hoarding and host building when compared to the existing situation.

13. Having viewed the proposed position from a number of locations along East India Dock Road, I am satisfied that, although the static display would change every 10 seconds, the proposal would not appear incongruous or unacceptably over-dominant in relation to the host building or the street scene.
14. In relation to the nearby listed building, given the degree of separation by the four lane carriageway and bus lanes, pavement and the mature tree line, I find that the proposal would not result in a magnitude of change in relation to the setting that would constitute harm. Hence, the effect of the proposal would be neutral and therefore the setting of the nearby listed building would be preserved.
15. Each proposal must be considered on its own merits, and the appropriate amenity test is not whether an advertisement would positively contribute to the amenity of an area, but rather whether it would detract from it. Therefore, for the reasons given above, and having regard to all other matters raised, I find that the proposal would not be harmful in relation to amenity. As such, it would not harm the amenity of the area and would preserve the character and appearance of the CA and setting of the listed building.
16. Policies 7.5 and 7.8 of The London Plan 2016, Policy SP10 of the Tower Hamlets Core Strategy: Development Plan Document 2010 (the CS) and Policies DM23, DM24 and DM27 of the Tower Hamlets Managing Development Document: Development Plan Document 2013 amongst other things seek to ensure that development respects and enhances its context and sustains and enhances the significance of heritage assets. As I have found that the proposal would not harm amenity, the proposal does not conflict with these policies. The Regulations, the Framework and Planning Practice Guidance (PPG) require that decisions are made only in the interests of amenity and public safety and therefore, the Council's policies cannot be decisive. However, I have taken these policies into account as material considerations.
17. The Council has also referred to Policy SP09 of the CS. However, this policy is primarily concerned with pedestrian safety and as such, I do not consider it is of relevance in relation to amenity.

Conditions

18. In addition to the five standard conditions specified by the Regulations, both the appellant and the Council have suggested additional conditions. I have considered these against the tests in the Framework and advice provided within PPG. I find the majority to be reasonable and necessary in the interests of amenity and highway safety, although I have amended the wording of some conditions in the interests of clarity and precision.

Conclusion

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

Helen Cassini, INSPECTOR

Annexe A

Schedule of Conditions

- 1) The intensity of the illumination of the advertising unit permitted by this consent shall be no greater than 300 candela/m².
- 2) The minimum display time for each advertisement shall be 10 seconds and there shall be no special effects (including noise, smell, smoke, animation, flashing, scrolling, three dimensional, intermittent or video elements) of any kind before, during or after the display of any advertisement.
- 3) The sequencing of messages relating to the same product is prohibited.
- 4) The interval between the display of each advertisement shall be 0.1 seconds or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement.
- 5) The advertising display panel shall have a default mechanism to freeze an advertisement in the event of any malfunction.
- 6) The footway and carriageway on the TLRN must not be blocked during the installation and maintenance of the advertising panel. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic.