

Appeal Decision

Site visit made on 24 February 2017

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 9th March 2017

Appeal Ref: APP/E5900/Z/17/3166568

Land at Whitechapel Road, corner Cambridge Heath Road, London E1 1BW

- 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 Thomas Johnston against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/16/02919, dated 3 October 2016, was refused by notice dated 29 November 2016.
 - The advertisement proposed is the removal of existing internally illuminated 12m x 3m advertisement, to be replaced by a 12m x 3m internally illuminated digital advertisement.
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Decision

1. The appeal is dismissed.

Main issue

2. The Council raises no objection in relation to public safety. From the submitted evidence, I have no reason to disagree with that finding. Consequently, the main issue is the effect of the proposed advertisement on amenity.

Reasons

3. The appeal advertisement is an internally illuminated digital display on a freestanding support structure that would occupy a prominent location adjacent to a large traffic light junction in an area of mixed character. The proposal would be most noticeable to road users approaching the site from the northeast and south. While buildings vary in height and scale close to the site, it is the roads and their related infrastructure, notably carriageways, traffic lights, directional signs and street-lighting columns that mainly characterise the local street scene to which the site belongs.
 4. The site lies within the Whitechapel Market Conservation Area (CA). The CA derives its significance as a designated heritage asset from the activity and character of the market itself with stalls lining wide pavements. Historic buildings also add to the quality and character of the CA, particularly along sections of Whitechapel Road. These contributions can be appreciated on the approaches to the junction adjacent to the site, most notably from the northeast. From this direction, there is a long vista along Whitechapel Road with market stalls and buildings within the CA beyond the site.
 5. The design of the new advertisement would be sleek and modern. It would be internally illuminated with static but sequentially changing imagery. In northerly and southwesterly views on the approach to the junction next to the
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- site, the new display would be highly conspicuous given its considerable size, elevated position close to the highway and, at night, its illumination. That the new display would form part of the backdrop to a large and open road junction would accentuate the visual impact of the proposal. For these reasons, the new advertisement would be overly prominent and unduly intrusive in the local street scene, to the detriment of the area's visual amenity, notwithstanding its urban, roadside and street lit setting.
6. The scale, height and prominence of the new advertisement would also cause it to detract from views of the market stalls and some historic buildings that front Whitechapel Road within the CA. As such, it would fail to preserve the character and appearance of the CA, to which I attach considerable importance and weight. The public benefits of the scheme, which would largely relate to the information displayed on the new advertisement, would not outweigh the harm caused to the CA.
 7. During the site visit, I saw advertisements in the area around the site although these were mainly small scale and at a low level, being largely associated with nearby buildings. Where advertisements were placed above street level, these were generally smaller and far less conspicuous than would be the case with the proposal before me.
 8. According to the appellant, the proposal would be similar in size, location and landscape orientation compared to an existing hoarding that would be replaced. That existing display was not in place at the site visit although a photograph of the hoarding prior to its removal has been provided. From the evidence before me, the precise status of this display is unclear given that the Council states that it has no record of granting consent for it. From the photograph provided, the proposal would occupy a higher position than the previous display, which would make it more conspicuous and incongruous, notwithstanding the presence of street lighting, a large junction and other signs in the area. It would therefore cause greater harm to the visual amenity of the local area and to the character and appearance of the CA than the display that previously occupied the site.
 9. More generally, the appellant states that the use of the site for advertising is long established and that it benefits from deemed consent in accordance with the Regulations. However, there is no detailed evidence is before me to support these assertions. Consequently, I am unable to share the appellant's position on these matters and so attach limited weight to them.
 10. Reference is made to several planning policies, to which I have had regard as relevant considerations. Powers under the Regulations to control advertisements may only be exercised in the interests of amenity and public safety, taking account of any material factors. In my determination of the appeal, the policies cited have not therefore by themselves been decisive.
 11. The appellant states that the proposal is an example of innovation in the design and use of modern technology and would reduce waste and energy consumption, which is supported in policy terms. Nevertheless, for the reasons set out above, I conclude that the appeal is dismissed because the proposal would be detrimental to the interests of amenity.

Gary Deane

INSPECTOR