

Appeal Decision

Site visit made on 17 March 2017

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 31st March 2017

Appeal Ref: APP/E5900/Z/16/3162801

White Hart Public House, 1 Mile End Road, London E1 4TP

- 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 Mark Wilkinson against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/16/02488 dated 18 August 2016, was refused by notice dated 1 November 2106.
 - The advertisement proposed is an open weave fabric mesh banner advert set centrally within a 1:1 shroud that will cover the entire working access scaffold upon the host building.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Both the Regulations and the National Planning Policy Framework make it clear that advertisements should be subject to control in the interests of amenity¹ and public safety, taking into account cumulative impacts. Whilst the Council's decision notice refers to the policies it considers to be relevant to its decision on this application, and I have taken them into account as a material consideration in my decision, the Council's policies have not in themselves been decisive.
3. Whilst the original application requested that the advertisement be in place for an 8 month period, I note that the appeal documentation suggests that the advertisement would be on display for a period of 12 months. However, as the application has been progressed based on the shorter period I have considered the appeal on this basis.

Main Issues

4. The main issues are:
 - The effect of the proposal on visual amenity, with particular regard to whether it would preserve or enhance the character or appearance of the Stepney Green and Whitechapel Market Conservation Areas; and,
 - The effect of the proposal on public safety in the vicinity of the appeal site.

¹ Regulation 3(2) states that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

Reasons

Visual Amenity

5. The appeal site is a public house located at a busy junction within the Stepney Green Conservation Area (CA), and adjacent to the boundary of the Whitechapel Market CA to the west. This is an ornate and attractive three storey, plus mansard, Victorian building which includes a corner turret. In this prominent corner location it forms a local landmark in views in and around both CAs, particularly in views along Whitechapel and Mile End Road and when approaching this junction from the south and west. This is a busy commercial area comprising shops and offices, and including the street markets along the north side of Whitechapel Road to the west. As such a range of advertisements, including hoardings fronting the vacant site to the west, are commonplace.
6. The proposal is for a shroud comprising a 1:1 scale image of the host building and incorporating an inset area of externally illuminated advertisement, measuring 9m x 5.5m, placed centrally to wrap around the corner of the building. This would be fixed to scaffolding and would cover most of the upper floors of the building. It would be in place for 8 months during refurbishment works to the building.
7. The proposal would result in a temporary alteration of the appearance of this building and the introduction of a sizable advertisement panel. I accept that an impression of the building behind would be retained and where this is visible the proposal would be less harmful to visual amenity than the alternative noted by the appellant as normal scaffolding and screening. However, whilst shrouds around buildings might typically detract from the street scene their effect is muted as they are generally featureless. In this case, the large advertising area would attract attention to something that is designed to disguise an area of scaffolding.
8. Whilst the appellant notes that the advertisement area would occupy less than 10% of the scaffolding area, it would still obscure a large part of the façade of this attractive building, including most of its distinctive corner turret. This would be highly visible and incongruous in this prominent location, and out of proportion in comparison with most advertising in this area. It would therefore cause harm to the positive contribution this building makes to the character and appearance of the CAs. Whilst I accept that this would be in place for a temporary period, any diminution of this building's visual appeal, should be avoided if not fully justified.
9. The appellant states that a programme of repair is planned for the public house, including the repair and repainting of windows and brickwork, roof materials and rain water goods. In such circumstances the appellant notes the guidance that "*buildings which are being renovated or are undergoing major structural work and which have scaffolding or netting around them may be considered suitable as temporary sites for shroud advertisements or large 'wrap' advertisements covering the face, or part of the face, of the building*".²
10. However, from what I was able to observe on my site visit the external fabric of the building, including the extensive stonework, looks to be in good repair.

² National Planning Policy Guidance, Paragraph: 005 Reference ID: 18b-005-20140306

On this point no evidence has been presented of the need for, and scope of, restoration works. In the absence of adequate justification that this work is needed, I am not persuaded that the fall-back position of using plain scaffolding and screening is likely to take place.

11. In so far as such matters are material, the advertisement would be contrary to the Tower Hamlets Managing Development Document 2013 (the MDD) Policies DM24, DM25 and DM27, all of which seek to ensure that design enhances the visual quality of the public realm, particularly in relation to heritage assets; and Policy DM23 which requires that advertisements do not harm the character, appearance and visual amenity of the site and surrounding area.

Public Safety

12. The proposed advertisement would be placed on one corner of the busy Whitechapel Road, Mile End Road, Cambridge Heath Road and Sidney Street junction. Such an advertisement in this location would be clearly visible to road users. In this respect the guidance states that *advertisements at points where drivers need to take more care are more likely to affect public safety*.³ More specifically, this guidance notes that types of advertisements likely to cause danger to road users include those externally illuminated signs where the means of illumination is directly visible from the road.⁴ However, as noted by the appellant this is a busy commercial area, with Whitechapel Road being one of the main arterial routes into the City, and as such the presence of advertising is commonly experienced by road users in this area.
13. Therefore, subject to appropriate conditions to control brightness, which the appellant indicates would be acceptable, should the proposal be satisfactory in other regards, the advertisement would not be an undue distraction to road users or prejudicial to public safety in the vicinity of the appeal site. It would therefore not conflict with that element of the MDD Policy DM23 requiring that advertisements do not have an adverse effect on highway safety.

Conclusion

14. Whilst I have found that the advertisement would not be harmful in terms of public safety, I have found harm in relation to visual amenity and the setting of heritage assets. As in this respect the proposal would conflict with policy and guidance on this matter, I conclude that the appeal should be dismissed.

AJ Mageean

INSPECTOR

³ National Planning Policy Guidance, Paragraph: 067 Reference ID: 18b-067-20140306

⁴ National Planning Policy Guidance, Paragraph: 068 Reference ID: 18b-068-20140306