



Appeal Decision

Site visit made on 16 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: 12th April 2017

Appeal Ref: APP/U5360/Z/16/3162367

280-284 Kingsland Road, Hackney, London E8 4DG

- 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 JCDecaux UK Ltd against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2016/1373, dated 16 March 2016, was refused by notice dated 1 November 2016.
 - The advertisement proposed is a double sided freestanding Forum Structure, featuring 2 x Digital 84" screens positioned back to back.
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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 material considerations in my decision, the Council's policies have not in themselves been decisive.

Main Issue

3. The main issue is the effect of the proposal on visual amenity, with particular regard to whether it would preserve or enhance the character or appearance of the Kingsland Conservation Area, and the setting of the nearby listed buildings.

Reasons

4. The appeal site is located on the eastern side of Kingsland Road within a wide section of pavement. Kingsland Road itself is the central feature of the Conservation Area and is lined by mostly commercial buildings of varying character, including the Grade II listed three storey red brick buildings on the opposite side of the road. Kingsland Road's straight form affords reasonably open north and south views. Advertisement in this area is generally confined to shopfronts, is mostly non-illuminated and is reasonably modest in design.
5. The current shelter is located centrally within the wide pavement and is of simple design with open front and glazed sides and back, allowing through views along the

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.

street. It contains a central non-illuminated information panel, but no advertising. The proposal includes digital advertising screens positioned back to back and capable of displaying illuminated, static and dynamic images. This would appear as one end of the bus shelter. Whilst the outer facing display would be an internally illuminated printed image, the inner image would contain sequential commercial messaging.

6. The introduction of advertisements orientated at right angles to the building frontages would interrupt the presently largely open views along the street, though I accept that in this case the width of this section of pavement means that the bus shelter is located slightly behind the main sight lines. Nevertheless the proposed advertisement would be prominent due to the eye-catching effect of the illuminated and alternating displays. This would detract from the more reserved nature of the surrounding streetscape. Of particular concern would be the nature of the illumination via digital display which would give the proposal an uncharacteristically bright appearance, especially during daylight hours when there is little discernible artificial lighting. This would cause a significant degree of visual intrusion which would be apparent in many views of the nearby listed buildings. Whilst I accept that the degree of brightness could be controlled by condition, this would not be sufficient to mitigate this harm.
7. I have taken into account the facts that the advertisements would include live travel status updates and tourist information, would be able to display public information in the event of an emergency and that income from advertisement would be reinvested in network improvement. Digital technology is also a relatively environmentally responsive means of advertising. However, these benefits would not outweigh the harm caused by the incongruous appearance of these advertisements which would be out of keeping with the relatively subdued and modest character of this area.
8. In so far as such matters are material, the advertisements are contrary to the London Plan Policies 7.4, 7.6, and 7.8, and the Hackney Core Strategy 2010 Policies CS24 and CS25, all of which seek to ensure that design enhances the quality of the public realm, particularly in relation to heritage assets. There would also be conflict with Hackneys Development Management Local Plan 2015 which at Policies DM1 and DM28 seeks to ensure that design reinforces local distinctiveness and does not adversely affect the historic environment, and at Policy DM29 requires advertisements to be sensitive to the character of the area and not to detract from the amenity of the street scene.

Conclusion

9. I therefore find that due to its location and method of illumination this proposal would cause harm to visual amenity, with particular regard to the character and appearance of the Kingsland Conservation Area and setting of the nearby listed buildings. I therefore dismiss the appeal.

AJ Mageean

INSPECTOR