

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: 26th April 2017

Appeal Ref: APP/U5360/Z/16/3162368

Advertising Right, 162-167 Shoreditch High Street, London E1 6HU

- 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 2016/1386, 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.
-

Decision

1. The appeal is allowed and express consent for the display of a double sided freestanding Forum Structure, featuring 2 x Digital 84" screens positioned back to back as applied for is granted. 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 following additional conditions:
 - 1) The advertisements hereby granted shall include static images only. The interval between successive images shall be 0.1 seconds or less and the complete screen shall change. There shall be no visual effects between successive displays and the display shall include a mechanism to freeze the image in the event of a malfunction. Each image shall be displayed for at least 10 seconds. The use of message sequencing for the same product is prohibited and the advertisements shall not include features/equipment which would allow interactive advertisements to be displayed.
 - 2) The intensity of luminance of the advertisements shall be no greater than 300Cdm² during the hours of darkness.

Procedural Matters

2. The Council states that the proposal would replace an existing two sided bus shelter display which includes an internally illuminated sign (facing south and outward) and a digital display (facing north and inward), noting that the latter does not have consent. However, I noted on my site visit that two sided digital displays are in place in this location.
 3. Both the Regulations and the National Planning Policy Framework (the 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 has referred to the policies it considers to be relevant to its decision on the 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

4. 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 Shoreditch Conservation Area.

Reasons

5. The appeal site is located back-to-kerb on the wide pavement in front of the Shoreditch Telephone Exchange, a substantial yet plain buff brick building. It is on the boundary of the Shoreditch Conservation Area (CA) which covers the area to the west and south of the appeal site. This part of Shoreditch High Street is a busy wide thoroughfare containing buildings of significant size and varying character. It is a mixed use commercial area. On the opposite side of the road the Urban Food Fest site is partly fronted by a large digital display screen, and further large poster advertisements are visible on buildings to the north west.
6. The proposed two sided digital display would be capable of displaying illuminated, static and dynamic images. Whilst the outward facing display would be an internally illuminated static printed image, the inward facing image would contain sequential commercial messaging. This would have a marginally greater impact than the permitted internally illuminated signage. However, given the relatively modest size of display area in the context of the scale of the surrounding street scape, and the presence of more prominent advertisements, the proposal would not in itself have a damaging effect on visual amenity. Furthermore as this would replace existing advertisements it would not lead to a proliferation of signage in this area.
7. I have considered the fact that the advertisement is located adjacent to the CA and also that there are some listed buildings in the wider area. I accept that the signage would be visible in views which would take in Batemans Row and 180 Shoreditch High Street, however this would be seen in the context of the commercial character of the wider streetscape and the prominence of existing advertisements. Therefore, subject to conditions to control the brightness of the screen and the nature of the images displayed, this advertisement would not be either prominent or distracting.
8. Overall, the proposal would not result in harm to visual amenity or the character and appearance of the Shoreditch Conservation Area. It would therefore not be in conflict with the design or heritage requirements of Policies CS24 and CS25 of the Hackney Core Strategy, Policies DM1 and DM28 of the Hackney Development Management Local Plan (the LP), or Policies 7.4, 7.6 and 7.8 of the London Plan. I also find no conflict with the LP Policy DM29 which requires that advertisements be of the highest possible standard and contribute to a safe and attractive environment.

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.

9. I have also considered the legislative requirements with regard to conservation areas and listed buildings, and the advice set out in the Framework. However, as the replacement advertisements would have a neutral impact and preserve the character and appearance of the CA and the setting of nearby listed buildings, this statutory duty would be satisfied.
10. I therefore conclude that the appeal should be allowed. The Regulations impose five standard conditions. The Council has suggested further conditions which I agree are required to control brightness and the content of the LED displays so as not to detract from the character of the area or result in harm with regard to highway safety.

AJ Mageean

INSEPECTOR