



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: 28th April 2017

Appeal Ref: APP/U5360/Z/16/3162340

St Leonard's Hospital, Kingsland Road, Hackney, London N1 5LZ

- 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 2016/1383, dated 16 March 2016, was refused by notice dated 31 October 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 Matter

2. Whilst the Council's decision notice refers to the South Shoreditch Conservation Area, the further details submitted indicate that the site is in fact in the Kingsland Conservation Area.
3. 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.

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 Kingsland Conservation Area, and the setting of nearby listed buildings.

Reasons

5. The appeal site is located on the eastern side of Kingsland Road, adjacent to a three storey flatted development set behind a reasonably wide strip of landscaped amenity space. On the opposite western side of the road are the Grade II listed St Leonards Hospital and the Church of St Columbia, both of which are impressive structures which dominate the local street scene. Kingsland Road itself is the focal point of the Conservation Area, and its wide straight form affords good visibility to the north and south.

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.

6. The proposal would replace an existing bus shelter which is located centrally within the pavement and has a black frame, a glazed back, and a non-illuminated double sided frame containing printed advertising material at one end.
7. The proposal is for a freestanding 'Forum Structure' comprising a totem with 84" 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.
8. Apart from the advertisements on the existing bus shelter, advertising in this area is mostly limited to modest shop signs further north and south. However, other examples of digital display were not visible. In this respect the nature of the proposed illumination via digital display would present an uncharacteristically bright appearance, especially during daylight hours when there is little discernible artificial lighting. The eye-catching effect of the illuminated and alternating displays would be particularly noticeable in this area without similar displays, and would be highly visible in this open stretch of road, jarring particularly with the restrained appearance of the adjacent listed buildings.
9. Therefore, whilst I accept that the proposal would replace existing advertising of a similar design and scale, the increased impact on the street scene caused by this method of illumination and alternating imagery would be harmful to its visual character. Whilst I accept that the degree of brightness could be controlled by condition, this would not be sufficient to mitigate this harm.
10. 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 also avoids the need to print advertising material, and is 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.
11. In so far as such matters are material, the advertisements would be 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 Hackney's 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

12. 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 listed buildings. I therefore dismiss the appeal.

AJ Mageean

INSPECTOR