
Appeal Decisions

Site visit made on 1 July 2019

by Sarah Dyer BA BTP MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Appeal A Ref: APP/U5360/W/18/3203654

Kingsland Road (OS Human Relief Welfare), London E8 4AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by British Telecommunications plc against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2018/0441, dated 5 February 2018, was refused by notice dated 29 March 2018.
 - The development proposed is Installation of 1No. InLink & removal of 2No. BT payphones.
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Appeal B Ref: APP/U5360/H/18/3203522

Kingsland Road (OS Human Relief Welfare), London E8 4AE

- 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 British Telecommunications plc against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2018/0473, dated 5 February 2018, was refused by notice dated 29 March 2018.
 - The advertisement proposed is Two LED Digital Display Screens, one each side of InLink.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matter

3. The applications were submitted on a single application form to cover both planning permission and consent to display advertisements. As set out above there are two appeals on this site relating to different aspects of the same proposal. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Main Issues

4. The main issue in relation to Appeal A is the effect of the development upon the character and appearance of the appeal site and the surrounding area, with particular reference to Kingsland Conservation Area (the CA) which is a designated heritage asset.

5. In relation to Appeal B, the control of advertisements is exercisable only with respect to amenity and public safety. The main issue in this appeal is the effect of the proposed advertisements on amenity.

Reasons

6. The site is located in Kingsland Road which is a wide street with commercial uses on one side facing predominantly residential development on the opposite side. The range of shops and services provided and the high-density housing in the area combine to result in Kingsland Road having the character of a busy urban street.
7. There are wide pavements between the shop frontages in the vicinity of the site and the carriageway, with limited street furniture and some street trees. Advertising on the commercial units is low key and there are also few street signs. Overall the area has a pleasant sense of spaciousness despite its vibrant urban character.
8. The site is within the CA which covers an extensive length of Kingsland Road. The CA designation reflects the significance of the street which is described by the Council as the main arterial route from the City of London to the north through Hackney, and the key characteristics of the area which I have identified.
9. The proposed development would result in an InLink unit being installed close to the pavement edge which would have advertising panels on both sides which would be perpendicular to the street. As a consequence of its height and width the InLink unit would be a very prominent feature in the street scene. Given the importance which I have attached to the spacious character of the street which forms part of the CA, the InLink unit would be an uncharacteristic and incongruous feature which would be harmful to its character and appearance.
10. The adverse impact of the InLink unit would be exaggerated by the expansive advertising panels. The panels would be unrelated to the signs on the adjacent commercial units and would appear prominent in views along the street both during the day and in hours of darkness notwithstanding the controls over luminance levels which are integral to their design.
11. Both the installation of the InLink and the digital advertising panels would, as a result of their design and appearance and the internal illumination associated with the panels, detract from the appearance of the site and the surrounding area which is part of the CA.
12. I conclude that in respect of Appeal A the development would have a harmful effect upon the character and appearance of the appeal site and the surrounding area. The development is therefore contrary to Policies DM45 and DM46 of the Core Strategy Hackney's strategic planning policies for 2019-2025 (2010) (the Core Strategy) and Policy 6.10 of the London Plan 2016. These policies jointly, amongst other things, resist development which would have a detrimental amenity impact on other highway users and promote walking through the provision of a high-quality public realm.
13. For similar reasons the development does not accord with Transport for London's Streetscape Guidance which, amongst other things, recognises the fundamental role streets and places play in improving the public realm and providing an enhanced quality of life.

14. I do not find Policy DM44 of the Core Strategy, which relates to the Council's movement hierarchy, to be directly relevant to this main issue.
15. I also conclude that in respect of Appeal B the proposed digital advertising panels would be harmful to the amenity created by the character and appearance of the Conservation Area. I have taken into account Policies DM1, DM28 and DM29 of the Local Plan (2015) which seek to preserve and enhance the Borough's heritage assets and to ensure that advertisements are sensitive to the character of an area through size and siting, especially in areas of historic significance and so are material in this case. Given that I have concluded that the proposal would harm amenity, the proposal conflicts with these policies.
16. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. As a consequence of their design and appearance and the internal illumination associated with the digital advertising panels both the installation of the InLink unit and the advertising panels would have a harmful impact on the Conservation Area. However, I find that the harm would be less than substantial. Paragraph 196 of the revised Framework directs that where a development proposal, which is the installation of the InLink unit in this case, will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.
17. In respect of Appeal A, the InLink would provide a number of services to members of the public, which I understand to be at no cost to end users, including; free ultrafast wi-fi phone calls, wayfinding, device charging, an emergency 999 call button, capability for public messaging including offering content to the Council and local groups, and providing a platform for interactive technologies such as air quality monitoring. I also note that it would be powered by carbon free energy, would be cleaned regularly, and incorporates accessible design for those with disabilities. The Framework also offers support for advanced high quality and reliable communications infrastructure. However, considering the nature of these benefits against the harm to the character and appearance of the area, they do not outweigh the harm identified above and the public benefit would not outweigh the harm to the designated heritage asset that I have found in this instance

Other Matters

18. The appellant states that two existing kiosks would be removed in place of this InLink, and that that the excess land that would become available would be returned to the community. However, there is limited information before me about the kiosks which would be removed, including the quality of the public realm at those sites, whether the sites fall within a conservation area or whether the streets within which they are located attract a high level of footfall. Therefore, I attach limited weight to any potential benefits that could arise from this.
19. During the course of the appeal the appellants submitted an update in the form of a document entitled Anti-Social Behaviour Management Plan April 2019. This document sets out the process for identification and reporting of anti-social behaviour issues relating to the misuse of the services provided by an InLink unit. I have not identified matters relating to personal and community safety as main issues and this matter has not been raised by the Council or any third

parties. Therefore, this document attracts very limited weight in my determination of the appeals and does not overcome the harm which I have found in terms of the impact on character and appearance and amenity.

Conclusion

20. For the above reasons, Appeal A and Appeal B are both dismissed.

Sarah Dyer

Inspector