



Appeal Decision

Site visit made on 2 July 2019 by Ifeanyi Chukwujekwu BSc MSC PIEMA RTPI (Assoc)

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2019

Appeal Ref: APP/E5900/Z/19/3225630

Land at, Leman Street, London, E1 8FA

- 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 Mr Martin Stephens on behalf of JCDecaux against the decision of the Council of London Borough of Tower Hamlets.
 - The application Ref PA/19/00317, dated 11 January 2019, was refused by notice dated 8 March 2019.
 - The advertisement proposed is erection of a freestanding portrait advertisement display incorporating a vertical living wall on the south facing facade.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The effect of the proposed advertisement upon: (1) character and appearance of the street scene and (2) public safety.

Reasons for the Recommendation - *Character and appearance*

4. The appeal site is public pavement located on the north-west side of Leman Street, between Aldgate Tower and the former Maersk House. It is located within the busy Aldgate Employment Area, and Central Activity Zone. This area is characterised by tall offices and residential accommodation. Wide pavements are constructed on Leman street in order to mitigate against these heights. This also gives an open feel which contributes to the character of the area, and the appearance of the street scene.
5. The advertisement would be a portrait structure elevated from the ground upon a single central tapered leg. The living wall facade will be angled to the southeast towards road users travelling north along Leman Road and pedestrians, while the advert screen would face motorists and pedestrians coming off Whitechapel High Street. The appellant's argument is that larger roadside advertisements can be found in the locality. However, the location and scale of the proposed advert and living wall would lead to an incongruous form of development at the middle of a designed walkway and interrupt a designed flow culminating in a spacious area of footpath within an otherwise crowded and busy location. When placed within the public realm, it would

negatively impact the character of the area as it would detract from the initial concept of creating a breath space in the dense urban environment.

6. The advertisement would be located adjacent Braham Park, which is a publicly accessible and landscaped open space. It is also intended to serve as respite to residents, office workers and those passing through. The location of the advertisement within this space is detrimental to the areas open character and therefore counter to the intended role of the public realm. This loss of openness and clutter free area would be harmful to amenity and sense of well-being. I find that the proposed advertisement would have a significant adverse visual effect upon the character and appearance of the area.

Public safety

7. The proposed advertisement would be located in the centre of the pedestrian footway adjacent to Aldgate East station. Leman Street is a key pedestrian thoroughfare towards the City and Aldgate East Station location. The scale of the advertisement would negatively impact permeability and legibility by blocking sightlines along the pavement, to the station. It would also obstruct pedestrian flow, restricting the free-flow of movement and exacerbating congestion. This restriction to free-flow of pedestrian movement and negative impact on navigation. I find that the advertisement's prominent location and siting would have a materially harmful effect upon public safety.

Other Matters

8. I have taken into account Policies 6.10, 7.1, 7.4 and 7.5 of the London Plan, Policies SP10 and SP12 of the Tower Hamlets Core Strategy and Tower Hamlets Development Management Documents 20, 23 and 24. These seek to protect amenity and so are material in this case. Given I have concluded that the proposal would harm visual amenity and public safety, the proposal conflicts with these policies.
9. In support of the proposal, the argument is that the proposal constitutes sustainable development in line with the Framework, due to the innovative technology proposed and would enhance the appearance of the area. It is also suggested that the living wall would improve air quality in the area. Green walls require extensive and regular maintenance to remain healthy, attractive and effective at improving air quality. The appellant suggest maintenance will be funded via advertising revenue, however regular maintenance is likely to exacerbate congestion issues. Nevertheless, advertisements should only be controlled in the interests of amenity and public safety. Limited weight is attached to this line of argument.

Conclusion and Recommendation

10. For the reasons given above and having had regard to all other matters, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

A U Ghafoor

INSPECTOR