
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: 22 July 2019

Appeal A Ref: APP/U5360/H/18/3206234

Upper Clapton Road, Opposite William Hill, Junction Southwark Road, London E5 9JP

- 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 2018/0438, dated 5 February 2018, was refused by notice dated 25 April 2018.
- The development proposed is Installation of x1 InLink and the removal of 2No. BT payphones.

Appeal B Ref: APP/U5360/H/18/3205513

Upper Clapton Road, Opposite William Hill, Junction Southwark Road, London E5 9JP

- 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 2018/0470, dated 5 February 2018, was refused by notice dated 25 April 2018.
 - The advertisement proposed are Two digital LED display screens, one on each side of the 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.

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 a predominantly residential area which is characterised by blocks of flats close to the junction of Upper Clapton Road and Southwold Road, with rows of houses further from the junction. On the opposite side of the road to the appeal site is a row of buildings the ground floors of which accommodate commercial uses and Clapton Overground Station. The wide pavements bus lane and carriageway which form this part of Upper Clapton Road give the street a hard, urban appearance but this is softened by trees in deep planters and substantial areas laid to grass along the side of the road and off side streets.
7. The pavement in the vicinity of the appeal site currently accommodates a variety of street furniture including cycle parking hoops, a bus stop and shelter, a rubbish bin, a lamppost and a seat. The cycle parking, the seat and the bus shelter although visible are set back from the main part of the footpath, close to street trees and as such both they and other features have a recessive role in the street scene. The single payphone kiosk which is positioned close to the site of the new InLink unit is set close to the edge of the pavement and is a prominent feature in the street scene.
8. Parts of the existing payphone kiosk are used for the display of advertisements and there are signs on the commercial units and the station on the opposite side of the road. However, these displays are low key and there are also few street signs. Overall despite the scale of the flat blocks which dominate the street scene, the area retains a sense of being a place where people live and walk to access local shops and services.
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 trees and planting, the recessive nature of street furniture and the use of the area by local residents, 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 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.
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 site and the surrounding area.

Other Matters

16. The appellant states that two telephone call boxes would be removed as part of the appeal scheme and that the excess land that would become available would be returned to the community. One of the kiosks is on the appeal site. The replacement of this kiosk with the InLink unit would have a very limited impact on the width of the pavement and the additional paved areas either side of the InLink would not have a significant impact on the convenience of pedestrians given their limited dimensions and the proximity to the kerb.
17. There is limited information before me about the other kiosk which would be removed, including the quality of the public realm at its location or whether the street attracts a high level of footfall. In summary, I attach limited weight to any potential benefits to the public realm that could arise from the removal of two existing telephone call boxes.
18. 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.
19. The appellants consider that the movement of the signs can be satisfactorily controlled by condition. However, there is limited evidence to demonstrate the impact which a fixed advert would have on the street scene in this case or that this would negate the harm which I have found in relation to amenity and the character and appearance of the site and the surrounding area.

Conclusion

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

Sarah Dyer

Inspector