
Appeal Decisions

Site visit made on 14 August 2019

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 10 September 2019

Appeal A Ref: APP/U5360/W/18/3203693

**Great Eastern Street, Junction of Charlotte Road, Outside Savills,
London EC2A 3EP**

- 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 2018/0431, dated 5 February 2018, was refused by notice dated 4 April 2018.
 - The development proposed is the installation of x1 InLink and the removal of 2No. BT payphones.
-

Appeal B Ref: APP/U5360/H/18/3203652

**Great Eastern Street, Junction of Charlotte Road, Outside Savills,
London EC2A 3EP**

- 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 2018/0489, dated 5 February 2018, was refused by notice dated 4 April 2018.
 - The development proposed is two digital LED display screens, one on each side of the InLink.
-

Decisions

Appeal A Ref: APP/U5360/W/18/3203693

1. The appeal is dismissed.

Appeal B Ref: APP/U5360/H/18/3203652

2. The appeal is dismissed.

Procedural Matters

3. The applications were submitted together on a single application form covering 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.

4. The Council has referred to development plan policies in respect of Appeal B. As advertisement proposals can only be considered on the basis of amenity and public safety considerations, I have taken into account relevant development plan policies so far as they relate to these issues, but in themselves they have not been determinative from the point of view of my overall conclusion on the advertisement appeal.
5. Following the Council's decision on the applications that led to these appeals, a new version of the National Planning Policy Framework (the Framework) was published in July 2018 and is a material consideration in decision-taking from the date of its issue. The parties had the opportunity to make comments on the bearing of this on the appeals. Whilst there have been further revisions since to the Framework, contained in the new version published in February 2019, no changes have been made to the content directly relevant to the subject matter of these appeals. Consequently, I consider that no prejudice would occur to any parties as a result of me taking the Framework into account in my assessment of the appeals' merits.

Main Issues

6. The main issues in relation to Appeal A are (i) whether the proposal would preserve or enhance the character or appearance of the South Shoreditch Conservation Area (CA) and (ii) the effect of the development on the setting of 40-42 Great Eastern Street which are Grade II listed buildings.
7. In relation to Appeal B, the control of advertisements is exercisable only with respect to amenity and public safety. The main issue is the effect of the proposed advertisements on amenity.

Reasons

8. The site is located in Great Eastern Street which is a wide street with commercial uses on both sides. The range of shops and services provided and the high-density housing in the area combine to result in Great Eastern Street having the character of a busy urban street. There are some architecturally impressive buildings close to the site, including 40-42 Great Eastern Street which are Grade II listed buildings.
9. There are wide footways between the shop frontages in the vicinity of the site and the carriageway, with limited street furniture including litter bins and street lighting columns. 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. The aforementioned attributes add positively and distinctively to the character and appearance of the CA.
10. The significance of the above listed buildings derives from their architectural detailing and setting in a busy commercial environment. The setting of the listed buildings is formed by the spacious, open sense of the street, with relatively little street furniture on the frontage and in the vicinity of the listed buildings, giving long views of the listed buildings in the context of the surrounding traditionally designed commercial buildings within the surrounding CA.
11. The proposed InLink unit would be installed close to the footway edge, a short distance to the west of the listed buildings, perpendicular to the flow of traffic, and it would have advertising panels on both sides. As a consequence of its

height and width the InLink unit would create a very prominent feature within the street scene that is the setting of the listed building and its modern styling would be incongruous with the more traditional architectural style of the listed buildings.

12. The proposed InLink unit would be readily visible to persons passing along the street or looking out of windows facing onto the street, against the background of the buildings within the CA including the listed buildings. Given the importance which I have attached to the spacious character of the street which positively contributes to this part of the CA, the InLink unit would be an uncharacteristic and incongruous feature and hence would not preserve or enhance the character or appearance of the CA. In addition, the development would not preserve the setting of the listed buildings because of the disparity in design of the proposed structure and its prominent location in views of the listed buildings and their surroundings.
13. The above adverse impacts would be exacerbated by the proposed advertising panels which would be large and imposing in this historic context. The panels would be unrelated to the services provided by the adjacent commercial units and would appear prominent in views along the street both during the day and in hours of darkness.
14. The above identified harm would be less than substantial taking into account paragraph 196 of the Framework. The Framework directs that where a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. I deal with this matter below.
15. With regard to Appeal A, the InLink would provide a number of services to members of the public 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, which I understand would be at no cost to end users. I also note that the unit would be powered by renewable energy and would incorporate accessible design for those with disabilities. The Framework supports the expansion of electronic communication networks which are essential to economic growth and social well-being. These benefits weigh moderately in favour of the development. However, the Framework states that great weight should be given to the conservation of designated heritage assets. On balance, I do not consider that the public benefits in this case outweigh the harm that I have identified to the designated heritage assets.
16. In respect of Appeal B, the screens would provide a number of services to members of the public, which I understand to be at no cost to end users, including local information provided by the Council and travel information. I also note that they would be powered by carbon free energy. Whilst these are positive matters to weigh in the overall planning balance, they are not of sufficient magnitude to outweigh the harm caused by the advertisements to the amenity of the area.
17. I conclude that in respect of Appeal A the development would not preserve or enhance the character or appearance of the CA and would not preserve the setting of the Grade II listed buildings. Therefore the proposal would not accord with Policies 7.4, 7.6 and 7.8 of the London Plan 2016; Policies CS24 and CS25

of the Core Strategy Hackneys Strategic planning policies for 2010-2025 2010 (the Core Strategy); Policies DM1 and DM28 of the Development Management Local Plan 2015 and chapter 16 of the Framework. Collectively these policies seek to, amongst other things, enhance the public realm, particularly in regard to the character of Hackney's historic and built environment.

18. I conclude that in respect of Appeal B the proposed digital advertising panels would be harmful to amenity and therefore would not accord with Policies 7.4, 7.6 and 7.8 of the London Plan, Policies CS24 and CS25 of the Core Strategy, and Policies DM1, DM28 and DM29 of the Local Plan 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.

Other Matters

19. 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 public realm. 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 the change.

Conclusions

20. For the above reasons, and taking into account all other matters raised, I conclude that Appeal A and Appeal B should be dismissed.

I Dyer

Inspector