
Appeal Decision

Site visit made on 24 February 2020 by Hannah Ellison BSc (Hons) MSc

Decision by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2020

Appeal Ref: APP/U5360/Z/19/3242393

30-34 Broadway Market, Hackney, London E8 4QJ

- 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 Ms Laura Scholes (Blow Up Media UK Ltd) against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2019/3513, dated 26 September 2019, was refused by notice dated 27 November 2019.
 - The advertisement proposed is a temporary scaffold shroud screen advertisement inset within a 1:1 image of the proposed building façade during building construction.
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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.

Preliminary Matters

3. The Council has drawn my attention to a number of policies it considers to be relevant to this appeal and I have taken them into account where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach. Therefore, the Council's policies have not, by themselves been decisive.

Main Issue

4. The main issue is the effect of the proposal on the amenity of the area, having regard to
 - whether it would preserve or enhance the character or appearance of the Broadway Market Conservation Area; and
 - the occupiers of neighbouring residential properties.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

Reasons

5. The appeal site is a vacant plot located on Broadway Market which has planning permission for the erection of a new building. The appeal proposal seeks consent for a temporary scaffold shroud for a period of 12 months during construction works. The shroud would visually replicate the upper stories of the approved building's façade and include an externally illuminated inset poster advertisement area positioned over five bays at first to third floor.
6. The appeal site is located on a busy high street with predominantly commercial uses on the ground floor with residential units above. As such, advertisements are notably limited to the ground floor commercial premises and are of limited scale and traditional design, with few examples of external illumination. Consequently, there is clear visual distinction between the uses at street level and the uncluttered building frontages above.
7. The site is also within the Broadway Market Conservation Area (the CA), the significance of which appears to be largely derived from the traditional fenestration pattern and detailing on the upper floors of front elevations along this stretch of the high street. This characteristic is highly prominent and creates a regular rhythm along the street scene.
8. The advertisement would be read in context of the vibrant high street. However, large illuminated advertisements occupying elevated positions are not characteristic of the area. It would occupy a highly prominent position in the street scene and be of a substantial size that would dominate the overall shroud. The method of illumination would further accentuate its presence. As such, this proposal would read as a visually intrusive and incongruous feature which would detract from the established characteristics of the CA and in particular the pleasing upper floor detailing of adjacent buildings. Therefore, this proposal would fail to preserve or enhance the character or appearance of the CA, harming its significance.
9. The advertisement would occupy an elevated position within close proximity to neighbouring occupiers on the upper floors of buildings immediately adjacent and opposite the appeal site. The Council raises concerns regarding the visual intrusion resulting from light pollution from the illuminated advertisement.
10. The appellant suggests that the illumination is an optional element which could be removed or time limited. Even if I had found the illumination to be harmful to residential amenity and these measures were necessary to overcome that harm, they would not negate the harm that I have identified to the effect on the visual amenity of the area given the overall scale, design and positioning of the proposal.
11. It is acknowledged that the proposed shroud would be a short-term measure to screen the scaffolding and construction on site, provide visual interest and may avoid the use of piecemeal netting or sheeting. Furthermore, the revenue from the advertisement would facilitate the shroud. However, building works and associated scaffolding are not an uncommon sight and have a neutral effect on the character and appearance of the area. Furthermore, the inset advertisement would occupy a substantial area of the shroud with only the side bays and top floor being fully legible as an image of the building under construction. Therefore, whilst the image of the building's façade on the shroud

may add visual interest, these matters would not outweigh the harm I have identified.

12. Therefore, for the reasons above, I conclude that this proposal would materially and unacceptably harm the visual amenity of the area. It would therefore fail to preserve or enhance the character or appearance of the CA. As such, it would conflict with guidance in the Framework and policies 7.4, 7.6 and 7.8 of the London Plan (March 2016), 24 and 25 of the Core Strategy, Hackney's Strategic Planning Policies for 2010-2025 (November 2010) and DM1, DM2, DM28 and DM29 of the Hackney Development Management Local Plan (July 2015) which, although not decisive and vary slightly in their wording, collectively seek to ensure proposals respect local distinctiveness and conserve and positively contribute to the quality and significance of the historic environment, and do not result in significant adverse impacts on the amenity of neighbours.

Conclusion and Recommendation

13. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Zoe Raygen

INSPECTOR