



Appeal Decision

Site visit made on 16 March 2020

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2020

Appeal Ref: APP/U5360/Z/20/3244884

LUL Electricity Sub Station, Old Street, Islington, Hackney, London EC1V 9HE

- 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 JC Decaux UK Ltd against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2019/3483, dated 1 October 2019, was refused by notice dated 26 November 2019.
 - The advertisement proposed is described as 'the renovation of an existing advertised roadside site and for the relocation of the existing landscape screen from the west to the east elevation of the building. The south west facing façade will feature a portrait screen and the remainder of the building will be finished in part with living wall modules and part mesh cladding. The proposal is to be viewed in the light of the consent 2018/4479 dated 1st February 2019'.
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Decision

1. The appeal is allowed and express consent is granted for the advertisement as applied for, the erection of digital advertisement screen to east elevation (4m x 6.4m), erection of digital advertisement screen to west elevation (7.28m x 4.72m) (following removal of existing screen); recladding of building and provision of living walls. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The surfaces of the green wall hereby permitted shall be constructed in the materials shown on plans 'A01440/09' and 'A01440 – Green Wall Detail'.
 - 2) Illumination for the proposed illuminated panels must not exceed the limit set out in the application form, which is a maximum of 300cdm.
 - 3) The proposed panels must not have any intermittent light source, animation, moving feature or exposed cold cathode tubing.
 - 4) The footway and carriageway on Old Street must not be blocked during the construction and maintenance of the proposal at any time without the prior written consent of the local planning authority.

Procedural Matters

2. The application form described the proposal as set out in the above banner heading. This differs from that on the appeal form, which only refers to the advertisements and the Council's decision notice which refers to the

advertisement and the provision of the living walls. I have therefore determined the appeal on the basis of the Council's description and used it in my formal decision.

3. Consent has already been granted for the screen on the southwest elevation of the building, Ref: 2018/4479. The current proposal includes the same screen, the removal of the screen on northwest elevation and an additional one on the eastern elevation. Therefore, the appeal is focussed on the additional screen to the eastern elevation, stated in the application form to measure 4m x 6.6m and associated living wall.

Main Issue

4. The main issue is the effect of the proposal on the amenity of the area.

Reasons

5. The appeal relates to a proposal for electronic advertising on the facades of a London Underground Ltd substation, located at the junction of Old Street and City road. The Old Street area is defined by its busy urban feel and mix of modern architecture. The building currently accommodates a screen on the north western elevation. The current appearance of the building is one of dark red brick, with industrial style vents and coverings, creating a utilitarian form. The building does not currently blend in or positively contribute to the streetscape given its overall appearance. The junction itself accommodates large electronic advertising, which when approached from the east are clearly visible from further down Old Street, in addition to other advertising screens and posterboards located nearby on the corridor.
6. As stated above the screen on the southwest elevation already has extant planning permission. The installation of the screen on the eastern elevation of the building would replace the view of the existing brickwork and metal vents visible from the east that already appear contrasting to the surrounding built form. The eastern screen would be partially visible when seen from further down Old Street, however it would not be out of context with the surrounds given the modern architecture present, the number of other advertisements along the corridor and at the centre of the Old Street junction itself. The existing advertisements are set in more prominent positions when viewed from the east resulting in the proposed eastern screen being less prominent in appearance.
7. Given the height at which the eastern screen would be positioned it would be obscured when viewed from close proximity below by the surrounding buildings. The appearance of the screen will be softened by the associated proposed living wall installation which, if properly maintained, would positively contribute to the amenity of the area, becoming a valuable asset to the built form. The living wall would improve the exterior of the building and result in it becoming more in keeping with the surrounding modern architecture. The advertisement on the east wall would not lead to a proliferation of screens in the immediate area as it essentially replaces the one on the northwest elevation of the building. Similarly, the new screen on the southwest elevation is not viewable from the east. Reference is made to the Moorlands conservation area and listed buildings nearby, however no detail of their proximity or perceived harm as a result of the proposal has been provided by the Council.

8. I am aware that Transport for London (TfL) objected to the screen on the southwestern elevation on grounds of public safety. However, while this objection is noted, as previously stated, this screen was granted consent in the absence of any objection from TfL when the Council assessed that application.
9. For the reasons above I conclude that the proposed advertisement screens would not be harmful to amenity and through the use of appropriate condition the living wall components of the proposal would improve the amenity of the area. Therefore, the proposal as a whole is acceptable.
10. In reaching my decision I have had due regard to policies 7.4 and 7.6 of the London Plan 2016, DM1 of the emerging Development Management Local Plan, 2015, Policy 24 of the London Borough of Hackney LDF Core Strategy, 2010, TfL's Streetscape Guidance, 2016 and Hackney Council's Public Realm Strategy, 2012. All of which, amongst other things, seek to protect amenity of the area.

Conditions

11. In the interests of public safety Transport for London (TfL) as highway authority has requested conditions that be imposed on the screen on the eastern elevation in the event that appeal was allowed. I have considered these having regard to the tests set out in paragraph 55 of the Framework and amended them where necessary for the sake of clarity and precision. In addition to the five standard conditions for advertisements, conditions are necessary in the interests of the area's appearance and because of the site's apparent proximity to high flows of pedestrians, cyclists and vehicles. These are required to secure suitable restrictions on luminance and animations within the advertisements, the provision of a high quality green wall, and to ensure that the footway and carriageway is not blocked during construction or maintenance activities.

Conclusion

12. For the reasons above the appeal is allowed.

M Scriven

INSPECTOR