

Appeal Decision

Site visit made on 20 August 2020

by Jameson Bridgwater PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2020

Appeal Ref: APP/U5360/Z/20/3248101

79 Leonard Street, Hackney, London EC2A 4QS

- 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 Miss Alice Duke (SALT.TV) against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2019/3992, dated 20 September 2019, was refused by notice dated 14 February 2020.
 - The advertisement proposed is described as 'Projecting illuminated hanging sign - 600mm x 300mm x 100mm'.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The Council have drawn my attention to the policies they consider to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.

Main issue

3. The main issue in the appeal is the effect of the proposed advertisement on the amenity of the area.

Reasons

Amenity

4. The proposed projecting sign as described above would be positioned below an existing projecting sign. The appeal site is located within a generally commercial area within the South Shoreditch Conservation Area (CA) and is opposite the Grade I listed church which contributes to the amenity of the area. Overall, whilst there is a variety of existing advertising in Leonard Street, visually the street scene is predominantly restrained, ordered and uncluttered.
 5. I am therefore mindful of sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. These set out the need to have special regard to the desirability of preserving the setting of a listed building and that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
-

6. I have carefully considered that appellant's representations and I accept that the proposed projecting illuminated hanging sign is modest in size and similar to existing in situ projecting advertising in Leonard Street. However, the siting of the proposed sign directly below an existing projecting sign along with its internal illumination would appear incongruous and visually intrusive in a largely uncluttered street scene. Consequently, the proposed advertisement due to its position and internal illumination would have a harmful effect on the prevailing character and appearance of the CA and would impinge on the setting of the Grade I listed building that contributes to the amenity of the area. Therefore, the proposed sign by way of its siting and illumination would result in material harm to the amenity of the area.

Other considerations

7. I have considered both the National Planning Policy Framework (the Framework) and Planning Practice Guidance advice on advertisements and the factors embodied in these documents on matters such as economic and business encouragement, support for innovative design and advertisements potentially being more favoured in commercial areas. I accept that schemes such as this should not be taken to be automatically ruled out of CAs. However, the Framework explains that control in the interest of amenity is valid where there would be appreciable impacts such as I have described.
8. The appellant within their appeal statement has referred to a development proposal within the proximity of the Grade I listed building and cites this as a justification for their case. However, I have limited information about the scheme, but inevitably the context would differ to that of the scheme before me, and so it does not lead me to a different view in this case.
9. I have carefully considered all the points raised by the Appellant. However, these matters do not outweigh the concerns which I have in respect of amenity.

Conclusion

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

Jameson Bridgwater

INSPECTOR