
Appeal Decision

Site visit made on 24 November 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2020

Appeal Ref: APP/E5900/Z/20/3256718
65A Whitechapel High Street, London E1 7PL

- 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 Mr Khalid Mushtaq against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/20/00893, dated 29 April 2020, was refused by notice dated 29 June 2020.
 - The advertisement proposed is described as externally illuminated commercial banner set within an illustrated scaffold shroud.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed advertisement sign would preserve or enhance the character or appearance of the Whitechapel High Street Conservation Area;
 - the effect of the proposed advertisement sign on the setting of listed buildings within the vicinity of the site, namely Whitechapel Art Gallery, 88 Whitechapel High Street and Whitechapel Public Library, and
 - the effect of the proposed advertisement sign on highway (public) safety.

Reasons

Character and appearance of the Conservation Area

3. The site comprises an end of terrace 4-storey property. The building immediately south-west of the site is set back from the road/cycleway around 10-12 m. As a result of this the south-western facing elevation of the host building is highly visible when travelling along Whitechapel High Street from its south-western end in a north-easterly direction.
4. The statutory duty in Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area (CA), which is therefore a matter of considerable importance and weight. In addition, paragraph 193 of the National Planning Policy

Framework (the Framework) requires decision-makers to give great weight to the conservation of designated heritage assets.

5. Part of the significance of the CA is derived from the range of historically and architecturally important buildings within the area, 3 of which are located very close to the appeal site. Although the area includes a mix of commercial and retail uses along with associated advertisements, the signage along the high street within the CA is not excessive, and the signs that do exist are generally appropriately sited, proportionate to the building they are attached to and of a design and scale that maintains the character and appearance of the CA.
6. The externally illuminated advertisement panel would be sited on the south-western facing elevation of the shroud, in a very prominent position. Measuring around 7 m wide x 8.3 m high it would be nearly as large as the south-western facing elevation of the building. It would be illuminated by 3 flood lights, affixed to the scaffolding at the top of the advertisement. It is likely that the flood lights would not only illuminate the advertisement on the shroud but would also partially shed light on to the pedestrian area in front of the south-western facing elevation.
7. Due to the advertisement sign being sited in a very prominent position, its presence enhanced with the flood lighting, and being of a substantial size, out of proportion with the building, I consider it would have a detrimental impact on the street scene and the character and appearance of the CA. I therefore conclude that it would neither preserve nor enhance the CA.

Setting of listed buildings

8. Under s66(1) of The Planning (Listed Building and Conservation Areas) Act 1990 I have a duty to give considerable importance and weight to the desirability of preserving the setting of a Listed Building.
9. The appeal site is located directly opposite 3 listed buildings: Whitechapel Art Gallery (Grade II*), 88 Whitechapel High Street (Grade II) and Whitechapel Public Library (Grade II). At Grade II* the Whitechapel Art Gallery falls within the second highest category of listed buildings of importance in the country. It is an important work of Art Nouveau architecture, designed by Charles Harrison Townsend. It has an historical link with the adjacent Whitechapel Public Library, both providing cultural and education resources for great social need in the late-Victorian East End of London. The Whitechapel Public Library is listed as a fine example of a Passmore Edwards library, with rich Renaissance-style terracotta ornament. The special interest of number 88 Whitechapel High Street is the presence of 2 external decorative signs, designed by Arthur Szyk.
10. The immediate setting of these buildings is the passing Whitechapel High Street, which adds to their historic significance. I consider that the proximity of the proposed large advertisement sign to these listed buildings would harm their setting. I therefore conclude that the proposed advertisement would not preserve the setting of these listed buildings.

Highway (public) safety

11. A 'cycle superhighway' passes by the site, running in both directions along Whitechapel High Street. I note that Transport for London (TfL) recommended refusal of the proposed advertisement, though within the list of issues it commented on, the only objection seemed to be on the grounds that a

scaffolding licence states that scaffolding shall not be used for the placement of advertisements. However, licencing of scaffolding is a different regulatory regime to the control of advertisements under the planning regime. As TfL has not concluded that the proposal would cause a highway safety issue, nor has any evidence been provided to substantiate such a claim, I am of the opinion that the proposed advertisement sign would not cause a distraction to pedestrians, cyclists or motorists to an extent that would likely be detrimental to highway (public) safety.

Other considerations

12. I note that the proposal is for a temporary period, which could be around 40 weeks, whilst improvement works are undertaken to the building. However, even for a temporary period, the proposed advertisement would cause significant harm to the character and appearance of the CA and the setting of listed buildings.
13. The appellant suggests that the proposed shroud with advertisement sign would be a visual improvement to generic sheeting traditionally used to enclose scaffolding around buildings when works are being undertaken. However, the use of generic sheeting is required in such circumstances for other reasons, and its appearance is simply utilitarian. Furthermore, although I do not have the full details of the examples illustrated in the photographs provided by the appellant, I note that the buildings referred to, numbers 45 and 47 Whitechapel Road, are not located within the CA and have a different relationship with listed buildings in the area.
14. I note the support for the proposal received from Whitechapel Gallery, which has apparently been offered a 4-week display period to promote the gallery and the local community. I acknowledge that such an opportunity would be beneficial to the gallery. Although I have not been provided with the full details, I attach moderate weight to the matter based on the principle.
15. However, neither this consideration, nor my conclusion regarding highway (public) safety outweigh the harm I have identified in respect of the character and appearance of the CA and setting of listed buildings.

Conclusion

16. In accordance with the Advertisement Regulations, as well as considering visual amenity and public safety, I have taken account of the provisions of development plan policies, so far as they are material. A policy of relevance is D.DH10 of the Tower Hamlets Local Plan 2031: Managing Growth and Sharing Benefits. The policy supports advertisements if they are well-designed, complement the character and appearance of the area and do not adversely affect heritage assets. In light of my findings above, I consider the proposed advertisement sign does not accord with policy D.DH10.
17. For the reasons outlined, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR