



Appeal Decision

Site visit made on 15 June 2021

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2021

Appeal Ref: APP/E5900/Z/21/3272464

653 Commercial Road, London E14 7LW

- 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 Daylite LED Media Ltd against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/21/00172, dated 26 January 2021, was refused by notice dated 15 March 2021.
 - The advertisement proposed is One LED digital advertisement display.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. On 2 March 2021 the London Plan (2021) (the LP) was published, replacing the London Plan (2016). The Council and appellant have been given the opportunity to comment on the implications of the LP, and I have taken the comments into account in determining this appeal.
3. The Council has submitted a Statement of Case. However, the advertisement appeals procedure does not allow the Local Planning Authority an opportunity to comment upon the appellant's grounds of appeal. Therefore, I have disregarded the comments.
4. Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regs) requires that a Local Planning Authority shall exercise its powers (amongst other things) in the interests of amenity taking into account - (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors. I have considered the appeal on this basis.

Main Issue

5. The main issue in this appeal is the effect of the signage on the amenity of the area, including the character and appearance of the York Square Conservation Area.

Reasons

6. The appeal site comprises a three storey grey flat roof building forming part of a parade of commercial premises. It lies within the York Square Conservation Area (YSCA) where there is a statutory duty under section 72(1) of the

- Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA) to pay special attention to the desirability of preserving or enhancing its character or appearance.
7. The YSCA is characterised by, and derives its significance from, the grids of terraced buildings of a consistent Regency design. Along Commercial Road the buildings display a greater variance in age and style, comprising commercial units below mainly residential properties. In proximity to the appeal site the YSCA is similarly characterised by a mixture of historic and more recent buildings with lower floor commercial uses exhibiting primarily trough or backlit fascia and hanging signage, and occasional poster boards, except for an existing LED sign on the eastern elevation of the appeal site building. Comprising blockwork quoins and lintels, a muted upper floor colour tone and a window alignment similar to the historic terrace to its east, the appeal site makes a minor positive contribution to the character, appearance, and significance of the YSCA.
 8. The appeal site is viewed in the context of the historic railways bridges/arches, some static non-illuminated advertisements, with buildings such as the railway station, historic terrace buildings and the rhythmic modern blocks in buff brick and grey blockwork elevations, providing a muted backdrop. This part of Commercial Road has more of a mixed-use rather than commercial character and appearance. Notwithstanding it being a dual carriageway and the proximity to Limehouse Station, lighting is relatively limited in the vicinity of the appeal site.
 9. Photographs provided show a static advertising board present in 2008 and 2015 at the appeal site. The appellant suggests this benefitted from a deemed consent and was the same size as the current proposal, although it was not present at my visit. There was some other static advertising in the area, however, these are significantly different in appearance and luminance to the appeal proposal. The digital LED advertisement on the eastern elevation of the appeal site building was the only one such screen I saw nearby, and I do not regard it as being reflective of the prevailing character, appearance, and amenity of this part of the YSCA and the area.
 10. The new digital LED advertisement would be large in scale dominating the western elevation of the appeal site building and would appear awkwardly positioned almost flush with the front elevation. Luminance would be compliant with the Institute of Lighting Professionals guidance. Notwithstanding the suggestion of a 100 cd/m² night-time luminance limit, absence of flashing or moving images and a 30 second change interval, the scale, luminance, and appearance of this digital screen would be a highly prominent addition to the area, visible from the public highway and the railway line. The combination of its scale, visual appearance and luminance would be out of keeping with the character and appearance of the YSCA and harmful to the amenity of the area.
 11. Notwithstanding its visual interest, this digital LED screen would also be harmful due to its luminance, size and position in close proximity to, and its cumulative effect with, other commercial signs, resulting in a cluttered appearance that would be harmful to the character and appearance of the YSCA and the amenity of the area. As a consequence, the advertisement

would neither preserve or enhance the character or appearance of the YSCA, in conflict with the aims of section 72(1) of the LBCAA.

12. Paragraph 18b-079-20140306 of the Planning Practice Guidance provides an example of where a poster-hoarding might be acceptable having regard to local context. It is not intended as blanket guidance to permit all such advertisements in an industrial or commercial area of major cities. The benefits of the sign to PVC or paper posters in respect of matters such as poster disposal, energy efficiency, recycling and vehicular miles, and vitality would be modest. I note the positional constraints on the building and the lack of objection in respect of highway safety and the public. However, these matters do not overcome the harm to the amenity of the area and the YSCA, which would be significant and attract significant weight.
13. For the reasons set out above the advertisement would be harmful to the amenity of the area. I have had regard to Policy D8 of the LP, Policies S.DH3 and D.DH10 of the Tower Hamlets Local Plan (2020) (the Local Plan) and the Signs and Advertisements guidance (undated). These are of relevance insofar as they seek a high quality of design that protects amenity, seeks to preserve or enhance the character or appearance of and limit inappropriate advertisements in Conservation Areas, and set out criteria against which advertisements shall be assessed. These are consistent with paragraph 132 of the National Planning Policy Framework (2019) which has similar aims.
14. Even, if I were to share the appellant's view that Policy S.DH1 of the Local Plan applies to development and not applications for advertisement consent, this does not overcome the conflict with the other policies, guidance, the LBCAA and the Regs.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

Dan Szymanski

INSPECTOR