
Appeal Decision

Site visit made on 2 September 2021 by A Coombes

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2021

Appeal A - APP/U5360/Z/21/3271722

Site Address 2-4 Great Eastern Street, Hackney, London EC2A 3NW

- 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 Justin Myers (Blow Up Media UK Ltd) against the decision of the London Borough of Hackney Council.
 - The application Ref 2021/0157, dated 20 January 2021, was refused by notice dated 17 May 2021.
 - The advertisement proposed is temporary decorative scaffold shroud 'wrap' advertisement for a period of 12 months during works to the building containing two inset advertising areas (measuring 7.7m x 9.6m and 7.7m x 11.7m) surrounded by a 1:1 image of the building facade.
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Appeal B - APP/U5360/Z/21/3275356

Site Address 2-4 Great Eastern Street, Hackney, London EC2A 3NW

- 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 Justin Myers (Blow Up Media UK Ltd) against the decision of the London Borough of Hackney Council.
 - The application Ref 2021/0928, dated 23 March 2021, was refused by notice dated 17 May 2021.
 - The advertisement proposed is temporary decorative scaffold shroud 'wrap' advertisement for a period of 12 months during works to the building containing 2 inset advertising areas (measuring 7.7m x 7.6m and 7.7m x 7.7m) surrounded by a 1:1 image of the building facade.
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Decision

1. Appeal A is dismissed.
2. Appeal B is allowed, and consent is granted for temporary decorative scaffold shroud 'wrap' advertisement for a period of 12 months during works to the building containing 2 inset advertising areas (measuring 7.7m x 7.6m and 7.7m x 7.7m) surrounded by a 1:1 image of the building facade as applied for. The consent is for twelve months 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 advertisement hereby granted express consent shall be permanently removed and the use of the site for the display of advertisements will be discontinued 12 months after the first display of the advertisement, on the

12-month anniversary from the date of the decision, or upon completion of the external building works, whichever is the sooner.

- 2) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 300 candelas per square metre and shall comply with the recommendation of the Institution of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements.
- 3) The advertisements shall only be illuminated inside the hours of 0700 and 2300 and should be switched off at all other times.

Appeal Procedure

3. 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.

Procedural Matter

4. There are two appeals on this site that differ only in the size of the advertisements proposed. Each proposal has been considered on its individual merits. However, to avoid duplication, they have been dealt with in a single report.

Main Issues

5. For both appeals, the main issues are:
 - the effect of the proposed advertisements on the visual amenity of the area, with regard to character and appearance including whether they would preserve or enhance the character and appearance of the Conservation Area and preserve the nearby setting of listed buildings;
 - the effect of the proposed advertisements on the visual amenity of the area, with regard to illumination; and
 - the effect of the proposed advertisements on public safety.

Reasons

6. The Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.
7. The Planning Practice Guidance sets out that in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement, and the local characteristics of the neighbourhood should always be considered. The National Planning Policy Framework sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.
8. The appeal site is a five-storey, locally listed commercial office block with retail space on the ground floor. It occupies the corner plot of Great Eastern Street

and Shoreditch High Street, and each of these elevations are characterised by three bays of windows. The site is within the South Shoreditch Conservation Area (SSCA), and adjoins the Grade II listed 6-8 Great Eastern Street. The site is located on a busy intersection in a highly urban area, surrounded by mixed use, commercial and residential buildings. There are various advertisements nearby, some of which are at a similar height to those proposed in these appeals, though it is understood that some of these are subject to discontinuance notices.

9. Both appeals seek consent for the display of a temporary scaffold shroud, which would comprise a 1:1 image of the building around the entire façade of the appeal site. The shroud would also include two externally illuminated inset advertising areas, though the dimensions differ between appeals and the area occupied in Appeal A would be the larger of the two.
10. The building is locally listed and its contribution to the wider street scene and SSCA, when not undergoing development, is not disputed. However, the scaffolding will mask its architectural features. By including a 1:1 representation of the building on the shroud, this would, during renovation work, preserve the character and appearance of the SSCA compared to a plain shroud.

Amenity (Visual) – Appeal A

11. Appeal A proposes two very large advertising areas on the Great Eastern Street and Shoreditch High Street elevations, each of which would cover two of the three bays. Although the area is commercial, and large billboards are part of the local character, those proposed on Appeal A would not be in scale with or sensitive to the host building. These areas would appear incongruous and unbalanced, specifically due to the disregard of the architectural detailing and division of the bays. The advertisements would fail to preserve or enhance the character and appearance of the SSCA and fail to preserve the setting of the nearby listed buildings.
12. For the reasons given above, Appeal A would be harmful to visual amenity, with regard to character and appearance. Though not decisive, regard has been given to Policies D8 and HC1 of The London Plan, The Spatial Development Strategy for Greater London, adopted 2021 (LP). Together these policies resist development that does not contribute to an attractive public realm or preserve London's historic environment. Furthermore, by failing to respect the character of the host building in terms of scale and positioning, the advertisement would conflict with Policies LP1, LP3 and LP7 of the Hackney Local Plan, Strategic Planning document, adopted 2020 (HLP). These Policies seek to ensure that development is of the highest urban design quality and responds to local character, particularly when in the context of designated heritage assets. LP7 specifically seeks to mitigate undue harm from advertisements.

Amenity (Visual) – Appeal B

13. Appeal B also proposes two large advertising areas. However, these are sized to sit within the bays of the image on the shroud. Not only would they respect the overall scale of the appeal site, they would also allow for more of the architectural detailing of the building represented on the shroud to remain visible. Therefore, due to a sympathetic siting of the advertising areas, during the period of external renovation, Appeal B would conserve the significance of

the appeal site, preserving its contribution to the character and appearance of the SSCA and the setting of listed buildings. Furthermore, these smaller, proportionate advertisements would not appear cluttered as advertising is prevalent in the immediate context of the site and are intrinsic to the character of the area. Given the urban locality and the temporary nature of the advertisements, the inclusion of external illumination would be appropriate.

14. For the reasons given above, Appeal B would not be harmful to visual amenity, with regard to character and appearance. It would preserve the character and appearance of the conservation area and the setting of the nearby listed buildings. This scheme would comply with Policies D8 and HC1 of the LP and Policies LP1, LP3 and LP7 of the HLP.

Amenity (Residential) – Appeal A & Appeal B

15. Both Appeals propose for the advertising area to be externally illuminated using overhead lighting. Due to its urban character, there are multiple sources of lighting in the area such as streetlights and uplighting and downlighting on nearby advertisements. Although the proposed overhead lighting would be higher than the existing street lighting, it would be located further from residential premises and directed towards the advertisement. Minimal light spill would be produced and given the well-lit nature of the locality neither proposal would be intrusive nor significantly increase light pollution in the area. Furthermore, a condition could be attached to control the hours of illumination.
16. For the reasons given above, both Appeal A and Appeal B would not cause undue harm to visual amenity with regard to illumination. Furthermore, no conflict has been found with Policy D8 of the LP or Policies LP2 and LP7 of the HLP. These Policies encourage the enhancement of amenity and seek to ensure there are no significant adverse impacts to it. LP7 specifically seeks to resist advertisements that cause light pollution.

Public Safety (Highway Safety) – Appeal A & Appeal B

17. The intersection on which the appeal site is located is busy, with traffic approaching from several directions and drivers frequently carrying out right-turn manoeuvres. The junction is traffic-light controlled with intervals that allow enough time to take in the surrounding area. On the site visit it was observed that, though the speed limit is 30mph, congestion constrains traffic to moving quite slowly.
18. It is noted that the advertisements would be particularly prominent when approaching from Commercial Street and the north of Shoreditch High Street. However, given the context, the advertising areas would not be an unexpected distraction to approaching drivers, who will be accustomed to large advertisements in the area. Due to the road layout, and the static nature of the proposed advertising, sufficient distance and traffic conditions would allow adequate time for drivers to observe the content without undue distraction.
19. For the reasons given above, both Appeal A and Appeal B would not result in an unacceptable adverse impact on the public safety of highway users. Thus, they would comply with Policy D8 of the LP and Policies LP2 and LP7 of the HLP, which collectively require proposals to resist harmful impact on the public realm, with particular regard to highway safety.

Other Matters

20. The appellant's grounds of appeal, for both cases, states that the advertising areas are necessary to fund the 1:1 image and maintenance of the shroud. Though advertising could be important to benefit the economy following the COVID-19 pandemic, this would not justify the harm that has been found. The planning merits of each case must be considered individually and, though I do not disagree with the Inspector's comment on scaffold shrouds in the grounds of appeal for Appeal A, the proposed advertisement areas are not appropriate for the reasons outlined in this decision. In relation to Appeal A, these points would not outweigh the harm that has been found to amenity in respect of the character and appearance of the area.
21. The Council have referred to Policy D4 of the LP in each reason for refusal. However, this Policy is strategic in nature and does not refer to advertisements specifically and is not considered central to the main issues of these appeals.
22. TFL have raised a number of matters, inclusive of licence requirements for scaffolding. However, this decision relates only to the planning merits of the case. The Council has suggested that the requested period of display for the shroud advertising does not correspond with the proposed schedule of works to the building. However, the appellant has provided sufficient evidence to confirm work will be ongoing for the duration of the shroud.

Conditions

23. The acceptability of the advertisements in Appeal B is due to the temporary nature, in line with the need for shrouded scaffolding during the period of renovation. Therefore, a condition should be attached to ensure the advertisement is displayed for the agreed time period as this provides certainty and precision. Conditions controlling the level and hours of luminance should be attached to protect visual amenity and provide clarity for the Council and the appellant.
24. The Council have suggested a condition is attached to omit illumination entirely in the interest of highway safety. However, the form of illumination proposed would be appropriate for the setting and controlled by other conditions, therefore this condition is not necessary.
25. The appellant has suggested conditions relating to the size of the advertising areas and the commencement date of the consent. However, neither are considered reasonable or necessary additional conditions. The size of the advertisement area is integral to the submitted drawings and the time for commencement should be from the date of the decision to provide certainty.

Recommendations

26. In both appeals no harm has been found in regard to visual amenity, specifically in a residential amenity context, or public safety. In respect of Appeal A, this does not outweigh the harm found to visual amenity, in regard to character and appearance. However, no harm has been found to visual amenity, in regard to character and appearance in Appeal B. Therefore, for the reasons given above and having regard to all other matters raised, I recommend that Appeal A is dismissed, and Appeal B is allowed.

A Coombes

Appeal Planning Officer

Inspector's Decisions

27. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree that Appeal A should be dismissed, and Appeal B allowed.

K Taylor

INSPECTOR