The Planning Inspectorate

# Appeal Decision

Site visit made on 31 August 2021 by C Glaister BSc (Hons)

**Decision by K Taylor BSc (Hons) PGDip MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 October 2021**

**Appeal Ref: APP/U5360/Z/21/3266486**
**42 Great Eastern Street, Hackney, London EC2A 3EP**

- 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 Giovanni Leuzzo (Blow Up Media UK Ltd) against the decision of the London Borough of Hackney.
- The application Ref 2020/3424, dated 11 November 2020, was refused by notice dated 6 January 2021.
- The advertisement proposed is a temporary decorative scaffold shroud screen advertisement comprising a 1:1 image of the building façade with a designed in advertising and information area measuring 9.2m x 6.4m.

## Decision

1. The appeal is dismissed.

## Appeal Procedure

2. 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 Matters

3. The Government published a revised version of the National Planning Policy Framework (the Framework) on 20 July 2021. Whilst regard has been had to the revised national policy as a material consideration in the decision-making process, in this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. There is therefore no requirement to seek further submissions on the revised Framework.

4. The application was originally assessed with consideration to the London Plan (2016). That plan has now been superseded by the London Plan (2021). Both the appellant and the Council have had the opportunity for further consultation in respect of the changes.

5. The Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended) require decisions to be made only in the interests of amenity and, where applicable, public safety. The proposal would not adversely affect public safety, and this has not been raised as an issue by any party. A recommendation is therefore put forth with regard only to the visual amenity of the proposed advertisement, taking into account the provisions of the development plan, so far as they are material; and any other relevant factors.

## Main Issue

6. The main issue is the effect of the advertisement on the amenity of the area including whether it would preserve or enhance the character and appearance of the South Shoreditch Conservation Area.

## Reasons for the Recommendation

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 site is located within the South Shoreditch Conservation Area (CA). Great Eastern Street is a busy two-way road. On either side, most buildings, including the appeal site, consist of a retail premises on the ground-floor with associated signage. Visually commercial elements, particularly advertising, in the immediate area are generally confined to this, and do not extend to the floors above. The appeal building is a historically characterful Grade II listed building, and it contributes positively to the CA, as do those immediately adjacent to it.

9. The decorative scaffold shroud would occupy all three floors above the ground-floor incorporating a 1-1 image of the building. The area intended for the advertisement would then occupy most of the first and second floor façade, leaving only the top-most floor entirely dedicated to the representation of the building. Advertisements are generally limited to shopfront signs at ground-level. Given this, an advertisement area of the size and position proposed, irrespective of illumination, would appear incongruous in its setting and cause harm to the character and appearance of the CA. This would be the case even if it were not in use all of the time and irrespective of the proposal being temporary.

10. The shroud would be in place for a temporary period while renovation works are undertaken. Typical shrouding on scaffolding can result in harm to visual amenity. Most views of the image of the building on the proposed shroud would be fairly limited to pedestrians given that its main visible section would be centred at high level around the third-floor. Whilst the shroud would seek to replicate the appearance of the building, add visual interest, and be professionally wrapped, most of the façade would be dominated by the advertisement area. These benefits would therefore hold limited weight which would not outweigh the harm identified.

11. Reference has been made to an appeal decision where the Inspector found that scaffolding advertising had become a typical part of a busy urban street scene. However, that decision was clear that the individual circumstances of the case need to be considered, including whether the impact of the advertisement would be overwhelming. The proposal needs to be considered in respect of its own individual merits, and examples of similar schemes in other areas, away from the appeal site, do not justify or mitigate the harm identified.

12. Policies LP1 and LP3 of the Hackney Local Plan 2033 (LP33) together seek to preserve or enhance the significance of the historic environment and the setting of heritage assets. Policy LP7 of the LP33 seeks to ensure

advertisements do not adversely affect the historic significance of buildings and are sensitive to the character of an area in size and siting, especially in areas of historic significance. For the reasons above, the advertisement would not align with the aims of Policies LP1, LP3 or LP7.

13. Policies D8 and HC1 of the London Plan (2021) (LP2021) seek to ensure that the public realm is well designed and related to the local and historic context, and that the significance of heritage assets is conserved. For the reasons above, the advertisement would not align with the aims of Policy D8 or HC1 of the LP2021. Policies D1 and D4 of the LP2021 have also been provided by the Council. These Policies are not directly relevant to the main issue of the appeal.

14. The Shopfront Design Guide Supplementary Planning Guidance (SPG) mainly relates to the design of shopfronts. The advertisement would in any case not align with the guidance where it seeks to avoid external advertisements detracting from the visual amenity of the street scene.
SSSPD 5.2 – Advertisements and signs of the South Shoreditch Supplementary Planning Document (SPD) suggests that permission will not be granted for new advertisement hoardings in the South Shoreditch area. For the reasons above, the advertisement would not align with the aims of the SPD.

15. For these reasons, the proposed advertisement would harm visual amenity, including the South Shoreditch Conservation Area, and having regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, it would fail to preserve the character and appearance of the area.

**Conclusion and Recommendation**

16. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

*C Glaister*

APPEAL PLANNING OFFICER

**Inspector's Decision**

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*K Taylor*

INSPECTOR