The Planning Inspectorate

Appeal Decision

Site visit made on 30 November 2021 by Max Webb

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2021

Appeal Ref: APP/U5360/Z/21/3280834
370 Old Street, Hackney, London EC1V 9LT

- 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 2021/1887, dated 14 June 2021, was refused by notice dated 9 August 2021.
- The advertisement proposed is temporary decorative scaffold shroud screen advertisement comprising a 1:1 image of the building façade with an inset advertising and information area measuring 7.9m x 5.9m for a period of 10 months during building works.

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.

Main Issues

3. The main issues in the appeal are the effect of the proposed advertisement on:

    - the visual amenity of the area; and
    - public safety.

Reasons for the Recommendation

4. The appeal site is situated on a large building with a shopfront at ground floor level, on an open junction, within the South Shoreditch Conservation Area (SSCA). In the vicinity of the appeal site the SSCA has a commercial character at ground floor level, however above this the historic building façades are largely free from visible commercial activity. The appeal site is within the setting of the Shoreditch Town Hall, Police Station and Courthouse listed buildings which derive their significance from the architectural details on their building façades, which are clear from large advertisements. The host building is classified as locally listed, due to its historic building façade, and contributes positively to the SSCA and the setting of the listed buildings through its façade and lack of large-scale advertisements above ground floor level.

Visual Amenity

5. The proposal seeks to install a scaffold shroud with a replica of the building façade and an advertising area for the duration of works that are to be undertaken on the building. The advertising area would be large and would cover a substantial part of the building façade. As visible advertisements are uncommon above ground floor level, and the architectural details of the host building make a positive contribution to the character of the area, the addition of a large advertisement would appear incongruent, regardless of its level of permanence.

6. Replication of the façade would potentially provide visual benefits over traditional screening and scaffolding, however the size of the advertisement area would diminish the gain from this, even if it would not be used for advertising for the full duration of the works. Whilst the proposed screening would signify the undertaking of a regeneration project, the use of scaffolding would also be a clear indicator of building works and is a commonly occurring sight that would not appear as incongruous as the advertisement. Therefore, even though the replication of the building façade would be a benefit, and there may be a need for the advertisement area to fund this, the size and positioning of the advertisement area limit this benefit. It would therefore not outweigh the harm to the visual amenity of the area.

7. Due to the location of the appeal site on a relatively open junction, the proposal would be especially visually prominent and would be visible from the nearby Police Station and Courthouse listed buildings. Therefore, it would negatively impact on the visual amenity of the SSCA and setting of these listed buildings.

8. There is a large shroud advertisement on a building in close proximity to the appeal site. The Council have suggested that this does not have consent, and it detracts from the architectural features of the building on which it is located and the character of the surrounding area. Regardless of this, the addition of another advertisement in such close proximity to an existing large-scale advertisement would add significant visual clutter to the street scene. This clutter would be particularly harmful to visual amenity as both advertisements would be above ground floor level, contrary to the character of the area.

9. The appellant refers to a shroud advertisement at Holland Park Avenue, however this example is in a different context and therefore cannot be compared to the proposed advertisement. The appellant references National Planning Practice Guidance[1] and an appeal decision in Westminster, both of which suggest that buildings undergoing works may be suitable for shroud advertisements. That appeal also points out that their impact upon nearby valued landscapes and buildings should not be overwhelming. For the reasons discussed above, the proposed advertisement area would negatively impact upon the visual amenity of the surrounding area, including heritage assets. In any case, appeals should be considered on their individual merits.

10. Illumination of the proposed advertisement area through spotlights from above would highlight its presence, adding further visual prominence. The appellant has suggested these are an optional feature, however the removal of these

[1] Reference ID: 18b-005-20140306

would not diminish the overall harm caused by the advertisement area to the visual amenity of the surrounding area.

11. Regard has been given to Policies LP1, LP3 and LP7 of the Hackney Local Plan 2033 (adopted 2020) (Local Plan), which together seek to ensure advertisements are compatible with the existing townscape and respond to local character, do not harm the significance of heritage assets and do not contribute to a clutter of signage. Consideration has likewise been given to Policy HC1 of the London Plan (adopted 2021), which looks to protect heritage assets from proposals that are not sympathetic to an asset's significance or surroundings.

12. Regard has also been given to policy guidance 5.2 of the Hackney South Shoreditch Supplementary Planning Document (adopted 2006) (SPD), which considers advertising hoardings to have a detrimental effect on the character of the area and suggests that consent will not be granted for new advertisement hoardings. The Hackney Shopfront Design Guide Supplementary Planning Guidance has also been considered, and this outlines that advertisement on the floors above fascia level should be avoided. For the above reasons, the proposal would harm visual amenity, it would not preserve or enhance the character or appearance of the SSCA and it would therefore conflict with these Policies and guidance.

13. The Council refer to Policy D4 of the London Plan, however this is strategic in nature and thus not particularly relevant for the application for a single advertisement.

Public Safety

14. The proposal would be located at a junction between two roads. The area is busy, though the traffic is not particularly fast moving, and the junction has a simple layout that is well signposted. The proposed advertisement area, whilst large, would contain poster style images and would not contain frequently changing imagery or a high level of illumination. Although there have been accidents in the area, it is not considered that the proposal would cause undue distraction to road users, pedestrians or cyclists and would therefore not pose a public safety risk.

15. Regard has been given to Policy LP7 of the Local Plan, which looks to protect public safety. Regard has also been given to policy guidance 1.11 of the SPD, which looks to promote a safe environment that supports walking and cycling. For the above reasons, the proposal would not harm public safety and would therefore accord with this Policy and guidance.

16. The Council refers to Policy LP43 of the Local Plan, however it is unclear how this relates to advertisements and public safety. Policy D4 and HC1 of the London Plan are also referenced by the Council, however neither of these Policies relate to public safety and are thus not relevant to this issue.

Other Matters

17. The impact of the Covid-19 pandemic on the high street and businesses and the role advertising could play in helping to rejuvenate the economy has been considered. However, as this proposal relates to a single site, the benefits would be limited and are not considered to outweigh the harm to visual amenity.

Conclusion and Recommendation

18. Although no harm has been found in respect of public safety, this does not outweigh or mitigate the harm that would arise in terms of amenity. For the reasons given above, I recommend that the appeal should be dismissed.

Max Webb

APPEAL PLANNING OFFICER

Inspector's Decision

19. 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