

Appeal Decision

Site visit made on 27 July 2021 by Ms S Maur

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2022

Appeal Ref: APP/Q5300/Z/21/3268131

Site address: 287 Fore Street, Edmonton N9 0PD

- 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 Clear Channel UK against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/03363/ADV, dated 25 September 2020, was refused by notice dated 8 December 2020.
 - The advertisement proposed is the upgrade of existing 48 sheet advert to support digital poster.
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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 Council has raised no issues in respect of public safety and I have no reason to disagree. Therefore, the main issue is the effect of the advertisement on the visual amenity of the area.

Reasons

4. 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.
5. 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 Framework sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.
6. The proposal is set within Fore Street Conservation Area and is located opposite a Grade II Listed Building. The site is located to the west of Fore Street. I noted on my visit that the traffic was busy and there were bus stops and bike lanes nearby. The wider area is a mix of residential and commercial

- use. There is some signage, road markings and lighting on the street. The site currently contains a single, externally illuminated billboard that can be seen, when heading north.
7. The proposal seeks consent for a digital advertisement for static advertisements on rotation. The digital display is proposed to change images at a maximum of once every 10 seconds.
 8. There is an existing hoarding and the proposed digital advertisement would have a similar location and dimensions. However, the digital nature of the advertisement and, in particular the regular changing of images, would result in a more prominent form of advertising. It would be out of keeping with the area which is largely free from largescale digital advertising.
 9. There is some large scale development within the Conservation Area and close to adjacent listed buildings, as indicated within the Church Street, Edmonton and Fore Street Edmonton Conservation Area Enfield Character Appraisal. However, this is not so prevalent that it is a fundamental characteristic of the Conservation Area. The Old Police station is described as having a polite front with the rear being somewhat plain, it is nevertheless a building of historic significance. Large scale advertising, of increased prominence through the use of changing digital images would fail to preserve or enhance these heritage assets and their setting.
 10. Even though the advertisement could only be viewed from certain vantage points it would still fail to preserve or enhance the character and appearance of the Conservation Area and the setting of the listed building. Controlling the timing and levels of illumination would not adequately mitigate the harmful effect.
 11. The appellant has indicated that had the council found the existing advert to be harmful they would have categorised the existing nearby building as having a 'negative impact' on the area within the 'Townscape Analysis' in The Character Appraisal. However, there is insufficient evidence to reach a clear view on this matter and it is noted that the existing advertisement is free standing rather than being part of the building. I therefore consider that this is not a substantive matter within this appeal.
 12. Reference has been made to road signage, street lighting and the commercial signage associated with businesses in the immediate proximity of the site. However, these features are of a different design, scale, illumination and context to the proposed advertisement and therefore do not have the same effect on the amenity of the area. In any event, each case must be considered on its own merits.
 13. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation area.
 14. Although benefits could arise in respect of the ability to display emergency information on illuminated displays and any environmental benefits, and there are disadvantages associated with paper adverts where they become old and untidy. These benefits have limited weight and are therefore not substantive enough to weigh against the harm found above.

15. In light of the above, the advertisement would cause harm to the visual amenity of the area. Moreover, because of this, it would also fail to conserve or enhance the conservation area. Although not determinative, the proposal would not comply with Policies DMD 37, DMD 41 and DMD 44 of the Council's Development Management Document (2014) and Policies 30 and 31 of The Enfield Plan Core Strategy (2010-2025), which together seek to ensure that development is high quality and design-led whilst impact on heritage assets have regard to their special character and are based on an understanding of their context.

Other Matters

16. The appellant has raised some concerns in respect of the heritage consultee's comments. However, this appeal has been assessed for the advert as proposed, taking account of the statutory test relevant to conservation areas. Concerns over the handling of the application in terms of engagement, timescales, communication and processes in the report are noted, however these matters are not fundamental to the planning merits of the case.

Recommendation

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

Ms S Maur

Appeal Planning Officer

Inspector's Decision

18. 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