

Appeal Decision

Site visit made on 25 January 2022 by M Long

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2022

Appeal Ref: APP/U5360/Z/21/3285655

5 Kingsland Road, Hackney, London E2 8AA

- 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 London Lites Ltd against the decision of The London Borough of Hackney.
 - The application Ref 2021/2502, dated 14 August 2021, was refused by notice dated 7 October 2021.
 - The advertisement proposed is one LED digital advertisement.
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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.

Procedural Matters

3. The Town and Country Planning (Control of Advertisements) (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.
4. The Planning Practice Guidance (PPG) 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.

Main Issue

5. The Council has concluded that the advertisement would be acceptable in terms of public safety, and I have no reason to disagree. Therefore, the main issue is the effect of the proposed display on the visual amenity of the area.

Reasons for the Recommendation

6. The appeal site is located in the Kingsland Conservation Area, where special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area. The appeal site relates to the tall, north-

facing elevation of a brick building located on the western side of Kingsland Road. The building is close to a large railway viaduct and is within an area that has a large amount of graffiti. The surrounding vicinity is predominantly commercial and there is a high volume of traffic and pedestrians passing the site. There are a number of large-scale advertisements in this vicinity, including a very large, high-level, illuminated advertisement opposite the appeal site, as well as a large poster at ground floor level just to the north of the site. There are other smaller advertisements in this area, including at a nearby bus stop and a stand-alone vertical display, as well as signage associated with ground floor commercial premises. There is a limited amount of high-level digital advertising in the area surrounding the appeal site.

7. Whilst amenity is not defined exhaustively within the Regulations, it does indicate that relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. The PPG states that in assessing amenity, local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, whether it is in scale and in keeping with these features.
8. The proposed display would be positioned at a significant height on the north-facing elevation. The display would show changing static images at determined time intervals. It would be highly visible to vehicles and pedestrians approaching from the north along Kingsland Road.
9. While there are a number of large general advertisements in this area that form part of its commercial character, there is not an established precedent for high-level digital advertising at this location. The display's digital design and its capability to show changing static images would introduce a new form of advertising that would not preserve the character of advertisements in this area. Given its significant height and orientation towards traffic and pedestrians approaching from the north, the proposed display would appear overly prominent within the Kingsland Road streetscene, to the detriment of the area's visual amenity. Although the proposed display would be smaller than other roadside digital advertising displays, its comparatively smaller size would not mitigate the harm that arises from its overall unsympathetic digital design and prominence in this context.
10. It is proposed that the installation of the display would include the removal of graffiti from the brickwork as well as painting the host elevation, however there has been no mechanism suggested to secure this. Moreover, there is no suggested means to prevent further graffiti at this site, nor means to remove any further graffiti. As such, only limited weight can be given to any benefits that this measure would bring to the visual amenity of the area.
11. The appellant has indicated a willingness to accept conditions that further control the luminance of the display and frequency at which the images can change. However, this would not sufficiently mitigate the harm to visual amenity that would arise from the display's overall unsympathetic design.
12. For the above reasons, the proposal would result in harm to the visual amenity of the area. As such it would be contrary to Policy LP7 of the Hackney Local Plan 2033, adopted July 2020, which seeks to prevent advertisements that detract from the amenity of the streetscene. It would also conflict with Policy LP1 which seeks to ensure new development responds to local character and

context and Policy LP3 which seeks to ensure proposals affecting conservation areas preserve or enhance the character and appearance of the area. There would be further conflict with Policy HC1 of The London Plan, adopted March 2021, which seeks to ensure that development proposals affecting heritage assets conserve their significance. Although the Council have mentioned conflict with Policy D4, this Policy is primarily strategic in nature and focuses on the design process and scrutiny, it does not appear directly relevant to the modest nature of the appeal scheme. There would also be conflict with the National Planning Policy Framework which seeks to prevent advertisements that are poorly sited and designed.

Other Matters

13. The appellant has suggested a number of environmental and economic benefits that would arise from the installation of the proposed display. However, the benefits arising from a single advertisement, such as the appeal scheme, would not outweigh the significant harm to visual amenity identified above.

Recommendation

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

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

15. 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