

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: 9 February 2022

Appeal Ref: APP/U5360/Z/21/3287151

Under bridge railway wall, Westgate Street (south side), Hackney, London E8 3RL

- 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 Ms Anna McAree, Jack Arts against the decision of The London Borough of Hackney.
 - The application Ref 2021/2720, dated 31 August 2021, was refused by notice dated 28 October 2021.
 - The advertisement proposed is the erection of a wall-mounted timber poster display board on the under bridge railway arch wall measuring 1.7m high x 6.2m wide for the display of a 4-sheet size posters (non-illuminated) for community advertising for the Council's 'Hello Again Hackney' advertising campaign.
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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 panel 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 advertisement panel on the visual amenity of the area.

Reasons for the Recommendation

6. The appeal site relates to the south side of an underbridge located below railway lines that cross Westgate Street. The site is a brick wall which has a substantial amount of discolouration and staining. On the opposite north wall, there is a large example of street art and some graffiti. The surrounding mixed-use area has a largely commercial character, including an open-air market to the immediate west of the appeal site. The character of advertising in this area is varied, however most appear small-scale and relate to the uses of the nearby buildings along Westgate Street.
7. The proposed advertisement panel would be mounted to the southern underbridge wall at pedestrian eye-level. The panel would have a timber frame and would not be illuminated. The plans indicate that the panel is intended to display six side-by-side posters.
8. While the proposed advertisement panel would occupy a small proportion of the underbridge wall, it would have a substantive size that would appear dominant within the Westgate Street streetscene, particularly given the lack of other large advertising sited on the underbridge wall. Moreover, the content of an advertisement display is generally designed to attract the attention of passers-by, which would further contribute to its prominent design and siting. The panel would be out of keeping with the general character of advertisements in this area and would appear as added visual clutter in this context, to the detriment of the area's visual amenity.
9. Although there is street art and graffiti on the opposite wall of the underbridge, the advertisement panel would have a more formal appearance and would be viewed in a different context to these additions to the north side wall. The panel's visibility would be limited by its underbridge location and non-illuminated nature; however these factors would not sufficiently mitigate the harm that would arise from its overall design and siting.
10. Consent is sought with the intention to provide advertising relating to the 'Hello Again Hackney' campaign initiative of the Arts and Culture Department of Hackney Council. However, any consent given would allow for the panel's use for general advertising and no mechanism has been suggested by either party which would secure advertising solely for this purpose, nor have any time constraints relating to the campaign's duration been put forward. As such, only limited weight can be given to the benefits that would arise to the arts and culture sector and local community in the context of the Covid-19 post lockdown recovery.
11. For the above reasons, the proposal would result in harm to the visual amenity of the area. As such, it would be contrary to the Hackney Local Plan 2033, adopted July 2020, specifically Policy LP7 which seeks to prevent advertisements that contribute to the clutter of signage in the local area and detract from the amenity of the streetscene. It would also conflict with Policy LP1 which seeks to ensure development responds to local character and context. There would be further conflict with Policy D8 of The London Plan, adopted March 2021, which seeks to ensure the public realm is well-designed and related to the local context. The proposal would also conflict with the National Planning Policy Framework which seeks to prevent advertisements that are poorly sited and designed.

Recommendation

12. 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

13. 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