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# 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**

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**Appeal Ref: APP/U5360/Z/21/3287132**

**Railway walls under bridge, Hackney Central Station, Mare Street, Hackney, London E8 1JB**

- 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 2021/2714, dated 31 August 2021, was refused by notice dated 12 November 2021.
  - The advertisements proposed are the erection of two wall-mounted timber poster display boards on the station under bridge walls each measuring 1.7m high x 6.2m wide for the display of 4-sheet size posters (non-illuminated) for community advertising for the '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 panels 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 panels on the visual amenity of the area.

## Reasons for the Recommendation

6. The appeal site is situated in the Town Hall Square 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 east and west underbridge walls that are below the railway lines that cross Mare Street. The surrounding area is largely commercial and has a high volume of pedestrians and traffic. The character of advertisements at this location is varied, most signage is associated with the commercial premises in the area and there are also some general advertisement displays. During my visit, I noted there was artwork on both the east and west underbridge walls and signage providing an explanation of the work. However, the Officer Report indicates these additions do not benefit from permission.
7. The proposal includes two advertisement panels that would be mounted onto the west and east underbridge walls at pedestrian eye-level. The panels would be constructed using timber and be non-illuminated. The appellant has indicated that each panel is intended to display six side-by-side posters.
8. While the advertisements would be viewed in the context of a busy commercial location, the proposed panels would constitute added visual clutter in the Mare Street streetscene. Their overall scale would only cover a small proportion of the underbridge walls, nevertheless their substantial width and siting at pedestrian eye-level would attract significant attention and appear overly prominent in this location. Although the advertisements' non-illuminated design would reduce their visibility in the evening and night, this would not minimise the harm to the visual amenity of the area arising from their dominant design and positioning.
9. Details have been provided of an application dated from 2012 that includes the erection of a '1.5m high by 10m wide robust panel to be mounted to the east retaining wall' and lighting at this site. I noted this structure was granted planning permission and not advertisement consent and is no longer in place at the appeal site. This historic feature does not minimise the adverse effects of the proposal identified above. In any event, each case must be determined on its individual planning merits.
10. The appellant has stated that the proposed advertising would relate to the 'Hello Again Hackney' campaign initiative of the Arts and Culture Department of Hackney Council. However, any consent given would allow for the use of the panels 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. Therefore, any benefits arising to the arts and culture sector and local community in the context of the Covid-19 lockdown recovery can only be given limited weight.
11. Given the above, 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 a proliferation or clutter of signage in the local area, and which detract from the amenity of the streetscene. There would be further conflict with Policy LP1 which seeks to ensure development responds to the local character and context and Policy LP3 which seeks to ensure that development affecting conservation areas preserves or enhances the character and appearance of the area. The proposal would also be contrary to The London

Plan, adopted March 2021, specifically Policy D8 which seeks to ensure the public realm is well-designed and related to the local context, as well as Policy HC1 which seeks to ensure development proposals affecting heritage assets conserve their significance.

**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