

Appeal Decision

Site visit made on 23 February 2022 by M Long

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2022

Appeal Ref: APP/U5360/Z/22/3290709

Railway Walls Under Bridge (East and West), 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 2021/3374, dated 17 November 2021, was refused by notice dated 12 January 2022.
 - The advertisement proposed is wall-mounted timber poster boards for the display of 4-Sheet posters for community advertising.
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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.

Main Issue

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

Reasons for the Recommendation

5. The appeal site relates to the underbridge walls of the railway lines that cross Mare Street. The site is located 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 site is located in a busy commercial area and is passed by a substantial volume of traffic and pedestrians. There are various forms of advertising in this locality, most of which is associated with the surrounding commercial premises and some of which relates to general advertisement displays. I observed that both the east

and west walls have notable discolouration and that there is existing artwork with accompanying signage on these walls. However, the Officer Report indicates that these additions do not benefit from consent.

6. The proposal includes eight individual 4-sheet poster boards, with four to be installed on each the east and west underbridge walls. The non-illuminated poster boards would be mounted at pedestrian eye-level and separated apart by short distances. This proposal differs from a previous scheme at the appeal site which sought to install two large advertisement panels to the underbridge walls that were intended to display six side-by-side posters.
7. When viewed together, the proposed size and positioning of the posterboards would accumulate in an overly prominent feature that would attract a substantial amount of attention from those passing. The proposed advertisements would occupy a limited proportion of the overall wall space however, given their highly visible design, they would appear as visual clutter in the Mare Street streetscene. Although advertising forms a part of the commercial character of this location, signage is mostly associated with the surrounding businesses. In this context, the proposal's unsympathetic design would not preserve the appearance of this part of the Conservation Area and would result in harm to the area's visual amenity.
8. The proposal has been revised from a previous scheme to include separations between the posters and to reduce the overall advertising space. Nevertheless, the individual boards would be viewed collectively and would form an installation of considerable scale at this site. As such, the proposed separations would not sufficiently mitigate the harm to visual amenity as identified above.
9. Evidence has been submitted regarding an application dated from 2012 that includes the installation of a '1.5m high by 10m wide robust panel to be mounted to the east retaining wall' and lighting at this site. While the proposal has a significantly reduced size in comparison to this scheme, I noted this structure is no longer in place and was granted planning permission and not advertisement consent. This historic feature does not mitigate the adverse effects of the appeal scheme and, in any event, each appeal must be determined on a case-by-case basis.
10. The proposal would be part of the 'Hello Again Hackney' campaign of the Arts and Culture Department of Hackney Council. While it has been stated these boards would be for the use of arts and culture clients, there has been no formal planning mechanism proposed by either party that would secure advertising solely for this purpose, nor have any time limitations relating to the initiative's duration been suggested. As such, any consent given would allow for use of the poster boards for general advertising and so only limited weight can be given to the benefits arising to the local community and arts and culture sector in the context of the Covid-19 lockdown recovery.
11. For the above reasons, the proposal would result in harm to the visual amenity of the area. It would be contrary to Policy LP7 of the Hackney Local Plan 2033, adopted July 2020, which seeks to prevent advertisements that contribute to the 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 local context and 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