
Appeal Decisions

Site visit made on 10 May 2022

by Richard McCoy BSc MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 May 2022

Appeal A Ref: APP/E5900/Y/21/3277315 **588 Commercial Road, London E14 7JD**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Daylite LED Media Ltd against the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/21/00253 (LBC) is dated 3 February 2021.
 - The works proposed are the replacement of existing advertisement with a LED digital advertisement display of the same size. Removal of existing access gantry and overhead lighting units.
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Appeal B Ref: APP/E5900/H/21/3276667 **588 Commercial Road, London E14 7JD**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Daylite LED Media Ltd against the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/21/00092 (ADV) is dated 13 January 2021.
 - The advertisement proposed is the replacement of existing advertisement with a LED digital advertisement display of the same size.
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Decisions

1. Appeal A: I dismiss the appeal and listed building consent is refused for the replacement of existing advertisement with a LED digital advertisement display of the same size and the removal of the existing access gantry and overhead lighting units.
2. Appeal B: I dismiss the appeal and express consent to display an advertisement is refused for the replacement of existing advertisement with a LED digital advertisement display of the same size.

Procedural matters

3. As set out there are two appeals, one in relation to listed building consent for works to a Grade II listed building and one in relation to consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) for the display of a LED advertisement. Although I have considered each proposal on its individual merits, to avoid duplication I

have dealt with the two schemes together in this document except as otherwise indicated, by reference to Appeal A and Appeal B.

4. I note the reasons for refusal submitted with the Council's Statements. While these are not the application decisions as jurisdiction over them was taken away when the appeals were lodged, I have treated them as the decisions the Council would have made, had it been empowered to do so.
5. As the proposal relates to a listed building and is in a conservation area, I have had special regard to sections 16(2) (Appeal A) and 72(1) (Appeal B) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

6. I consider the main issues to be the effect of the proposed works on the special architectural and historic interest of the listed building and whether the proposal would preserve or enhance the character or appearance of the Conservation Area.

Reasons

7. No. 588 is a Grade II listed building. It forms part of a short terrace, likely to have originally comprised of 7 dwellings and is built of stock brick, with stocco banding, cornice and blocking course under a slate mansard roof. As a remnant of a style of building that was prevalent in the area in the pre-war period, its significance is very much derived from its evidential and group values with the other buildings in the terrace.
8. The proposal would replace an existing advertisement that incorporates projecting strip illumination and a gantry. While it would be of a more slimline design, it would nevertheless cover a substantial portion of the building's gable end. Moreover, the nature of the proposed display is designed to attract attention through its high definition, brightly coloured, moving images. This would result in a large area of historic brickwork being obscured by a strident, animated display housed in a modern LED unit. In my judgement, this would detract from the historic and architectural interest of the listed building and the wider terrace.
9. As such the proposal would fail to preserve the listed building's features of special architectural and historic interest, causing less than substantial harm to this designated heritage asset. Under paragraph 202 of the National Planning Policy Framework (NPPF) this harm should be weighed against any public benefits of the proposal, including securing the asset's optimum viable use.
10. The appellant claims that the replacement of the existing advertisement would remove the need for the gantry and projecting illumination thereby improving the appearance of the gable wall and the terrace. However, the legal status of the existing advertisement is disputed and it has not been demonstrated that it has listed building consent or pre-existed the listing of the building from around September 1973. The matter is now under investigation by the Council ref. ENF/22/00005 and this limits the weight I give to this benefit. In addition, the digital display being remotely controlled thereby saving fuel, reducing traffic and material consumption through fewer visits to site to replace and maintain the hoarding would attract moderate public benefit.

11. By contrast, giving great weight to the conservation of the designated heritage asset, I consider that the less than substantial harm that would arise from the proposal would not be outweighed by the public benefits. Accordingly, the proposal would conflict with NPPF paragraphs 200 and 202, and Local Plan Policy D.DH10 which reflects the approach of Section 16(2) of the Act.
12. In respect of Appeal B, the Regulations require that decisions are made only in the interests of amenity, and public safety. With regard to public safety, I note that Transport for London has not raised any objections to the display. From my assessment, I have no reason to disagree and consider that the proposal would not compromise the safety of persons using the highway or be likely to obstruct or hinder the ready interpretation of any traffic sign. However, this matter would be neutral in my overall assessment insofar as it would not add any harm.
13. The appeal site is located within the York Square Conservation Area. This is characterised by a mix of busy commercial thoroughfares lined by post-war redevelopment and quieter, mainly residential, early 19th century domestic terraces. The general area contains other examples of advertisements.
14. As set out above, the position and overall size of the proposal would make it a very prominent feature on a busy main thoroughfare that would detract from a building of historic and architectural interest, thereby harming the area's amenity. Furthermore, the strident, animated nature of the display would increase its visual dominance and this would not be ameliorated by the nearby presence of similar advertisements within this urbanised setting. As a result, the advertisement would be an incongruous feature that would fail to preserve or enhance the character or appearance of the conservation area, harming the area's visual amenity.
15. I have taken into account Local Plan Policy D.DH10 which seeks to protect amenity and so is material in this case. Given I have concluded that the proposal would harm amenity, it conflicts with this policy.

Conclusion

16. For the reasons given above, I conclude that the proposed advertisement would fail to sustain and enhance the significance of the heritage asset and would be harmful to amenity. Accordingly, I dismiss the appeals.

Richard McCoy

Inspector