



Appeal Decision

Site visit made on 11 August 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th August 2022

Appeal Ref: APP/U5360/Z/22/3297815

359-363 Mare Street, Hackney, London E8 1HY

- 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 Blow Up Media UK Ltd against the decision of London Borough of Hackney.
 - The application Ref 2022/0145, dated 21 January 2022, was refused by notice dated 26 April 2022.
 - The advertisement proposed is a temporary decorative scaffold shroud screen advertisement for a period of 8 months.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the amenity of the area including having regard to the setting of nearby listed buildings and the character and appearance of the Clapton Square Conservation Area (CSCA).

Reasons

3. The appeal building is a four-storey terraced building that incorporates a fast food outlet. It is located within a designated town centre amongst other commercial units and close to Hackney Central Station. The building sits opposite The Midland Bank, which is a grade II listed building, and directly behind this is the Old Tower of the former Church of St Augustine, which is a grade I listed building. The building is also located within the Clapton Square Conservation Area, which is characterised by its central location within the borough, dominated by St John-at-Hackney Churchyard Gardens and Clapton Square with St Augustine's Tower and St John-at-Hackney Church. It also includes many commercial properties.
4. In an appeal for an advertisement in a conservation area, the test from s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is that "special attention shall be paid to the desirability of "preserving or enhancing the character or appearance" of a Conservation Area". This statutory duty applies in advertisement appeals in so far as it relates to the consideration of 'amenity'.
5. In an appeal for an advertisement within the setting of a listed building, the statutory duty from s66(1) of the Act requiring decision makers to "have special regard to preserving the [listed] building or its setting or any features of special architectural or historic interest" does not apply.

6. However, the setting of the listed building is a relevant material consideration when considering the effect on 'amenity'. The advertisement regulations state that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.
7. The proposed advertisement would form part of a decorative shroud that would be fixed to scaffolding required in connection with the refurbishment of the building. It is proposed to be in place for a period of 8 months. Although part of the shroud would include an image of the building, a significant proportion would be dedicated to the display of an advertisement.
8. Due to its size and elevated siting, the proposed advertisement would appear highly prominent and uncharacteristic of the area. For these same reasons it would dominate the host building and appear incongruous. It would represent a highly prominent feature within the CSCA and would fail to preserve or enhance the area's character or appearance.
9. The listed Midland Bank building opposite the site is set amongst its associated town centre buildings. The listed Old Tower of the former Church of St Augustine is set amongst, and appreciated from, the wider Churchyard and gardens. The proposed advertisement would be highly visible from both these settings where, due to its overall size and scale, would cause harm to the settings of these listed buildings.
10. I acknowledge that the shroud would partially include an image of the building and would screen the refurbishment works and scaffolding. I also acknowledge that it would be for a temporary period of 8 months and would provide an element of income. These benefits are, however, of limited weight and do not outweigh the harm that I have identified would be caused to amenity and heritage assets.
11. In accordance with the advertisement regulations, I have taken into account the provisions of the development plan so far as they are material. I conclude that the proposed advertisement would have a harmful effect upon amenity, would cause harm to the setting of nearby listed buildings and would fail to preserve or enhance the character and appearance of the CSCA. As such, the proposal would conflict with the amenity protection and heritage conservation and enhancement aims of Policies LP1, LP3, and LP7 of the Hackney Local Plan (2020) and Policies D4 and HC1 of The London Plan (2021).

Other Matters

12. The appellant has referred to an example of a shroud advertisement installed at Holland Park Avenue that was allowed at an appeal. From the evidence provided, it shows a different form of shroud advertisement and building depiction, and in a different setting. It is therefore not directly comparable to the current appeal and is of limited weight.
13. The appellant has referred to an Inspector's approach in their consideration of a shroud advertisement appeal in Westminster. I have not however been provided with full details of the case to give this significant weight and have determined this appeal on its own individual planning merits.

14. I have considered the conditions suggested by the appellant, however I do not consider that collectively, these conditions would overcome the harm I have identified.

Conclusion

15. For the reasons set out above, and having had regard to all other matters raised, the appeal is dismissed.

A M Nilsson

INSPECTOR