
Appeal Decision

Site visit made on 4 November 2022

by Malcolm Rivett BA (Hons) MSc MRTPI

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

Decision date: 22 November 2022

Appeal Ref: APP/U5360/Z/22/3303107
600 Kingsland Road, London, E8 4AH

- 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 King Media Limited against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2022/1049, dated 27 April 2022, was refused by notice dated 22 June 2022.
 - The advertisement proposed is temporary static illuminated shroud advertisement.
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Decision

1. I allow the appeal, and grant consent for the display of the advertisement as applied for. The consent is for one year from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following further conditions:
 - The advertisement permitted by this consent shall be removed from the site no later than 1 year from the date of this decision.
 - The illuminance levels of the advertisement permitted by this consent shall not exceed the limits set out in the Institute of Lighting Professionals (ILP) publication: "The Brightness of Illuminated Advertisements" (PLG05, January 2015).

Main Issue

2. The main issue of the appeal is the effect of the proposed advertisement on the character and appearance of the Kingsland Conservation Area.

Reasons

3. The appeal property is located at a busy junction in a vibrant commercial area, albeit one with relatively few advertisements aside from shop signs. At the time of my visit the street-facing elevations of the property were covered by scaffolding, significantly undermining the attractive building's contribution to the character and appearance of the Kingsland Conservation Area.
4. The proposed shroud would be very large and prominent, covering the full width and height (from first floor level and above) of the building's Kingsland Road and Dalston Lane elevations. Notwithstanding that much of the shroud would replicate the appearance of the building and would be an object of

interest, it would be an incongruous feature in the street scene. Moreover, the harm caused to the character and appearance of the Conservation Area would be exacerbated by the two large areas of commercial advertising - these adverts being significantly larger than most adverts/signs in the vicinity.

5. However, I conclude that the harm caused to the Conservation Area and nearby listed buildings would be less than that of a plain shroud or the current unshrouded scaffolding, both of which would be of dismal appearance. The appellant has sought permission for the shroud for a period of one year whilst the scaffolding is in place to enable refurbishment of the building to take place. To my mind this is not an excessive period of time given the size of the property.
6. I understand that consent for a similar proposal was granted in 2015 and that subsequently enforcement action was taken in respect of the commercial adverts being erected without the remaining shroud, and that the proposed restoration works were not carried out. I do not know the full circumstances of these events or of the other referred-to enforcement action. However, I conclude that they are not good reason to withhold consent for the current proposal, for a period of one year, bearing in mind that the Council has not disputed that the erection of scaffolding for restoration of the building is necessary, and given my conclusion that the proposal would cause less harm than a plain shroud or the current, unshrouded, scaffolding.
7. I accept that the proposal in its own right would not accord in full with the development plan policies referred to by the Council. However, as detailed above, I conclude that the scheme would cause less harm to the character and appearance of the Conservation Area than the realistic alternatives. Reference has also been made to sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, sections 16 and 66 concern applications for listed buildings consent and for planning permission respectively, which this proposal is not. Moreover, in accordance with section 72, I have paid special attention to the desirability of preserving or enhancing the Kingsland Conservation Area in determining this appeal.
8. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed. In addition to the standard conditions a condition requiring removal of the advertisement following the one year period of consent applied for is necessary to minimise the period of harm the proposal would cause to the character and appearance of the area. In the interests of public safety a condition is also necessary restricting the advertisement's illuminance levels.

Malcolm Rivett

INSPECTOR