
Appeal Decision

Site visit made on 14 November 2022

by Peter Rose BA MRTPI DMS MCMI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2022

Appeal Ref: APP/U5360/Z/20/3255927

Rainbow Sports Bar, 72-73 Shoreditch High Street, London, E1 6JJ

- 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 Planning Insight against the decision of the Council of the London Borough of Hackney.
 - The application Ref: 2020/0865, dated 10 March 2020, was refused by notice dated 26 May 2020.
 - The advertisement proposed is display of one temporary non-illuminated commercial sign (9m x 6m) within scaffolding shroud - incorporating a 1:1 facade replication of existing building at 72 Shoreditch High Street.
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Decision

1. The appeal is dismissed.

Main issue

2. The control of advertisements is exercisable only with respect to public safety and amenity. The main issue is the effect of the proposed scheme upon amenity only. Regulation 3 states that powers in this regard shall be exercised taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.

Reasons

3. The appeal site comprises a 3-storey building fronting Shoreditch High Street and described as a nightclub with residential accommodation above. The building is identified by the Council as a Building of Townscape Merit and sits amongst a rich and varied collection of historic assets forming part of the wider South Shoreditch Conservation Area (the Conservation Area).
4. Although the High Street is a busy and vibrant setting and existing outdoor advertising is a readily apparent and significant feature throughout, it does not necessarily follow that any such further displays would respect amenity. Rather, assessment is required according to a proposal's site-specific merits.
5. Similarly, whilst material to such assessment and offering relevant context, other advertisement consents as cited by the appellant relating to the High Street and elsewhere are not precedents. Indeed, the overall circumstances of the appeal scheme are specific and distinguishable to varying degrees from the other cases identified. In particular, the design of the appeal scheme is bespoke, the building is not derelict, and the site does not comprise unsightly open land. Not all the decisions cited relate to the Conservation Area, and the Council also questions the lawfulness of two of the displays quoted.

6. The proposed high quality PVC shroud incorporating a 1:1 illustrative replication of the existing frontage and side elevation would in itself present an undoubtedly neater and more contained appearance for 12 months than the exposed scaffolding and associated building works it is intended to screen.
7. The Conservation Area's main significance is as a well-preserved example of predominantly eighteenth and nineteenth century inner London development. Its distinctive character arises from, amongst other things, a variety of grand buildings that line the main thoroughfares, often extending to four and five storeys or higher. Characteristically strong linear views along the High Street generally comprise relatively tall buildings with very varied but refined elevations. Notwithstanding some departures, the overriding local historic townscape remains impressive, orderly and legible.
8. Against that backdrop, the shroud would include a large advertisement set at a high level within the building's main frontage. The display would project above the pre-existing building such that its combined height, size, and exposed position would create an unduly intrusive and visually jarring presence. It would thereby introduce an incongruous and discordant feature at odds with both the significance of the Conservation Area and with local visual amenity.
9. There is a strong presumption against granting consent which would harm the character or appearance of a Conservation Area because the desirability of preserving the heritage asset is a matter of statutory duty¹, and therefore a factor of considerable importance and weight. The National Planning Policy Framework further cautions that the quality and character of places can suffer when advertisements are poorly sited and designed.
10. I also have particular regard to Policies DM28 and DM29 of the Council's Local Plan², and to relevant aspects of accompanying guidance³. Policy DM28 expects, amongst other things, for proposals to preserve or enhance the Conservation Area's character and appearance. Policy DM29 seeks for advertisements to be of the highest possible standards; not to affect adversely the historic significance of buildings; to be sensitive to the character of an area through size and siting, and especially those areas of historic significance; and not to contribute to an unsightly proliferation or clutter of signage.
11. I therefore conclude that the mitigating benefits of the shroud would be clearly out-weighed by the harm arising from the accompanying display. The shroud would be a secondary and visually subservient feature lost to the overwhelming dominance of the display. In overall terms, the scheme would not mitigate the adverse implications of building works but would instead undermine amenity.

Conclusion

12. For the reasons given above, the proposal would be harmful to amenity and, accordingly, the appeal should be dismissed.

Peter Rose
INSPECTOR

¹ Section 72(1), Planning (Listed Buildings and Conservation Areas) Act 1990

² Development Management Local Plan Adopted July 2015

³ South Shoreditch Conservation Area Appraisal and Management Plan