
Appeal Decision

Site visit made on 11 October 2022 by S Wilson LLB MSc LRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2022

Appeal Ref: APP/G5750/Z/22/3294713

Morgan House, 17 The Mall, Stratford, London E15 1BX

- 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 Mr John Matthews (Frogmore) against the decision of the Council of the London Borough of Newham.
 - The application Ref 21/02872/ADV, dated 12 November 2021, was refused by notice dated 13 January 2022.
 - The development proposed is described as "Application to extend recently expired consent to display a banner advertisement to the NW elevation of Morgan House prior to the building's redevelopment (previous consents granted 18/02575/ADV 3 years & 17/02751/ADV 1 year)"
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Decision

1. The appeal is allowed, and express consent is granted for the temporary display of a banner advertisement on the north-west elevation of Morgan House for a period of five years as applied for. The consent is subject to the five standard conditions set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), (the Regulations), and the following additional conditions:
 - 1) The consent hereby granted shall begin on the date of the commencement of the display or three months from the date of this decision whichever is the earlier.
 - 2) The banner advertisement on the north-west elevation of Morgan House shall be permanently removed after five years, or upon commencement of redevelopment of Morgan House in accordance with an extant planning permission, whichever is the earlier.

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.

Preliminary Matters

3. For the purposes of the decision above I have removed wording from the description of the proposal that does not describe the advertisement itself.
4. The Council has drawn my attention to the development plan policies it considers to be relevant to this appeal and I have taken them into account where relevant. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public

safety, taking account of any relevant factors. In my determination of this appeal, the policies cited by the Council have not therefore, by themselves, been decisive.

Main Issue

5. The Council has raised no objection in respect of public safety, and there is nothing in the evidence before me which would lead me to a different conclusion. Accordingly, the main issue is the effect of the proposed advertisement on visual amenity.

Reasons for the Recommendation

6. Morgan House is a prominent, large multistorey building of poor architectural quality and in poor condition. Much of the surrounding area has seen considerable new development in recent years. Morgan House and its immediate surrounds are yet to be redeveloped but are subject to an extant planning permission for redevelopment, including the demolition of Morgan House.
7. The size and prominence of the proposed advertisement would result in some harm to visual amenity, as it would be a dominant feature in the street scene and detrimental to the quality of the public realm at an important transport interchange and shopping area. However, the proposal would screen a building of poor quality, resulting in a visual benefit which would partly mitigate this harm.
8. Long-term, such a large, prominent feature would result in some harm to visual amenity. The appellant is however seeking consent for a temporary period. The Council has previously granted similar schemes for shorter periods totalling around 4 years. At those times there was no planning permission in place for redevelopment of the appeal site and surrounding land, however that has now changed.
9. I note the Council's concerns that the 5-year consent sought is too long given that the current planning permission must be implemented within a shorter period. The Council has suggested that a shorter temporary period might be acceptable but has not specified what this might be.
10. The evidence before me is that there is a reasonable prospect of the current planning permission being implemented. If the permission were implemented, the advertisement would be removed once Morgan House was to be demolished. Given the considerable scale of the wider redevelopment, it is reasonable to conclude that it could take some time to get to that part of the development involving Morgan House. Therefore, a maximum 5-year period is not unreasonable.
11. If, for some reason, the permission were not implemented, the advertisement would continue to screen a building of poor merit in the same circumstances as the Council previously found acceptable. There is however no compelling evidence to suggest that display of the proposed advertisement would prevent or delay implementation of that redevelopment scheme.
12. I therefore recommend a condition to require the removal of the advertisement after the end of a 5-year period, or when redevelopment of Morgan House commences, whichever is the sooner.

13. Therefore, the proposed advertisement would harm visual amenity, however this would be mitigated and made acceptable by limiting the consent to a temporary period. I have taken into account Policy D3 of The London Plan (adopted March 2021), Policies S1 and S2 of the London Borough of Newham Local Plan (adopted December 2018) and the National Planning Policy Framework (July 2021) insofar as they seek to safeguard amenity and so are material in this case. Given I have concluded that the proposal would not harm amenity, the proposal does not conflict with these policies in this respect.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed for a temporary period, subject to the five standard conditions and the additional conditions set out above.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report. I agree with the recommendation and reasons set out above, and on that basis the appeal is allowed subject to the standard conditions and the additional conditions listed above.

L McKay

INSPECTOR