
Appeal Decision

Site visit made on 31 March 2023

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2023

Appeal Ref: APP/U5360/H/22/3304378

Texaco, 241-255 City Road, Hackney, London EC1V 1JQ

- 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 London Lites Ltd against the decision of London Borough of Hackney.
 - The application Ref 2022/1160, dated 11 May 2022, was refused by notice dated 6 July 2022.
 - The advertisement proposed is Two freestanding LED Digital Advertisements each measuring 3m wide by 6m high. Renewal of existing consent. Colours vary. Internally illuminated.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the development on the amenity of the local area.

Reasons

3. In accordance with the Regulations¹, I have taken into account the provisions of the development plan so far as they are material.

Amenity

4. The appeal site is the Texaco petrol filling station (PFS) located in a broadly speaking island location surrounded by four roads and shares a boundary with the fast food drive through outlet of McDonalds. Texaco is approached from City Road where it is clearly visible to passing vehicular traffic and pedestrians. This main road carries a significant volume of traffic.
5. The PFS contains its own identifiable signage associated with the business all around the forecourt and kiosk, including signage associated with other services that take place within the forecourt area. In addition, a totem sign displays pricing of fuels perpendicular to City Road. The proposal would be positioned in a landscaped area adjacent to this totem sign. Its location and orientation would afford views from the passing motorist from various vantage.
6. It would be of a very different characteristic to the Texaco totem display that is a typical PFS advert. Due to its substantial width and height, internally

¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

illuminated and changing digital display, and conspicuous standalone siting, the proposed advert would be highly prominent.

7. At the time of my visit, I could see that whilst the area has a commercial element to it, more appropriately it comprises both a commercial and significantly residential characteristic to it. This is due to the large scale and modern tower blocks of residential flats that are evident, or under construction within close range of the site. Their massing and prominence create a residential characteristic to the area and detracts from the commercial sense of place, even with the fact City Road is a main arterial route past the site.
8. I appreciate there has been a history of advertisements here and consent for freestanding digital LED advertisement displays was not implemented at the site, dating from around 2017. Whilst I have taken this into consideration as part of my assessment, I have also experienced the appeal site circumstances on the ground, in present time and against the surrounding environment.
9. To this end, the signage on display that I could see was largely associated with the business it represented, and typically related to that business. This type of advertisement would not be experienced in this same related context. Therefore, by its independent nature, and display of images that would change at regular intervals, creates a different characteristic to the form of advertising seen within the local area. It would integrate poorly into its context.
10. Irrespective of adverts brought to my attention by the appellant elsewhere, when viewed in this context, it would introduce a discordant feature that would appear as incongruous and would thus cause visual harm to the amenity of the area.
11. I have taken into account the provisions of the development plan, so far as they are material, in accordance with the Regulations. As such, the proposal would be contrary to policies D4 (Delivering Good Design), D8 (Public Realm) and policies LP1 (Design Quality and Local Character), LP2 (Development and Amenity), and LP7 (Advertisements) of the Hackney Local Plan 2033 (2020). I have concluded that the advertisements harm amenity, and thus do not accord with these policies. Although the Council's decision notice also refers to policies associated with the historic environment, I do not find the proposal to directly relate to Council Policy LP3 (Designated Heritage Assets) as well as Policy HC1 (Heritage Conservation and Growth) of the London Plan (2021) as the site is not within a conservation area and nor do I find it would harm the setting of the Regents Canal Conservation Area.

Other Matters

12. There is nothing before me to convince me that the adverts would support retail activity for local advertisers to influence my decision.

Conclusion

13. For the reasons given above and having had regard to all other matters raised, the appeal is dismissed and advertisement consent is refused.

Alison Scott

INSPECTOR

