



Appeal Decision

Site visit made on 28 March 2023

by David English BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2023

Appeal Ref: APP/E5900/Z/23/3316219

132 Bethnal Green Road, London E2 6DG

- 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 M Yousaf against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/22/02506, dated 25 November 2022, was refused by notice dated 26 January 2023.
 - The advertisement proposed is illuminated shop sign.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I saw from my site visit that advertisements have been installed at fascia height and the Council state that the application now the subject of this appeal was submitted in response to enforcement action. The plans show two fascia signs and two advertisements described as 'wing signs' which would project from the fascia sign. The appellant's Design and Access and Heritage Statement (the DAHS) confirms the detailed dimensions of the signs and their positioning on the building, and that they will all be illuminated. The application form describes the method of illumination as 'external'. However, the signs I saw were internally illuminated and the plans show no physical means of external illumination for any of the signs. I also saw that only one of the illuminated projecting signs was in place at the time of my visit. Accordingly, I have determined the appeal on the basis of the plans and the details given in the DAHS using the description given in the application.

Main Issue

3. It is agreed between the parties that public safety is not an issue in this case. The main issue is the effect of the advertisements on amenity.

Reasons

4. The appeal site is in the Redchurch Street Conservation Area ('the Conservation Area'), whose boundary to the rear of the appeal site is contiguous with the northern boundary of the Brick Lane and Fournier Street Conservation Area (the BLFCA). In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and the setting of the BLFCA. In accordance with the advice in paragraph 199 of the National Planning Policy

Framework (the Framework), I attach great weight to the conservation of these designated heritage assets.

5. Amenity is not defined in the Framework. However, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations) provides 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. The Planning Practice Guidance states that in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features. I have considered the appeal on the same basis.
6. The Conservation Area is characterised by a tightly packed grid of streets, with Redchurch Street itself being a remnant of the historic street pattern on the fringes of inner London. Redchurch Street is notable for its narrow width and small-scale buildings, generally 3 or 4 storeys, and this gives the street an intimate character. Although the street widens where it joins with Bethnal Green Road close to the appeal site, the scale and height of buildings is generally maintained. This general uniformity continues the personable character that contributes to the distinctive and pleasant appearance of the Conservation Area, the significance of which derives largely from its rich history and significant architecture dating from the early eighteenth century onwards.
7. The appeal property is a four-storey building located within a terraced section of Bethnal Green Road between its junction with Brick Lane and Chilton Street. The terrace comprises distinct groups of buildings that differ in their detailed external appearance between the groups, including some that appear to be more recent infill. However, there is a generally consistent scale and appearance in respect of facing materials and building heights, there is a general consistency in fenestration within the groups, and this contributes to a feeling of uniformity characteristic of much of the Conservation Area. The ground floors in the terrace are almost exclusively in commercial use, albeit some were vacant at the time of my visit.
8. The appeal site is on the opposite side of Bethnal Green Road to an impressive terrace of Grade II listed buildings and this terrace is an important element contributing to the significance of the Conservation Area. The buildings in that terrace comprise mostly traditional ground floor frontages containing shops, food and drink establishments, and other commercial services. Although that terrace exhibits greater architectural detailing to the buildings than the mostly simpler external finishes in the upper floors of the terrace containing the appeal property, the terraces on either side of the road are generally experienced visually together as a pleasant grouping with similar qualities. This section of the street exhibits many interesting visual and architectural characteristics consistent with being designated as part of the Conservation Area.
9. The appeal property and some shopfronts nearby have been replaced with modern frontages. However, many others, including that attached to the appeal property at 134 Bethnal Green Road and those at 124 – 128, 136, and 138 Bethnal Green Road present a traditional appearance having timber fascias and timber framed shop fronts which include pilasters and stall risers. While

there are some internally illuminated signs in the terrace containing the appeal property, these are in the minority and generally do not contribute positively to the appearance of the street. I saw little evidence of internally illuminated signs along the terrace of listed buildings opposite the appeal site.

10. The modern appearance created by the use of plastic materials, and the method of internal illumination of the proposed advertisements would be at odds with, and sit uncomfortably alongside, the more traditional shopfronts and buildings which typify the character and appearance of the Conservation Area, and more specifically this section of Bethnal Green Road.
11. The appellant has provided photographs of several advertisements on shopfronts in the area, and comments that there are many variants of shop signs along the entire Bethnal Green Road. However, the appeal site is in the Conservation Area which covers only a short stretch of Bethnal Green Road, and I am obliged to determine the appeal in accordance with the relevant statutory duty given in the Act.
12. Although I have not been provided with addresses of each example referred to, I saw most of the signs shown in the appellants evidence during my visit, which took place late in the afternoon and into the early evening when many became illuminated. Most of the examples given are generally not directly comparable with the proposals before me in respect of their design and method of illumination. The internally illuminated signs I saw in the vicinity of the appeal site do not add positively to the appearance of the street or the Conservation Area and I would not consider them to be characteristic of the predominant forms of advertisements found on this section of Bethnal Green Road. Those examples given on Brick Lane are outside the Conservation Area and, while they may be within the BLFCA, have a somewhat different context being on a bustling busy narrow road close to the junction of Bethnal Green Road, and they are generally in a small and isolated group of premises having similar bright and otherwise uncharacteristic signage at and above fascia level.
13. The small handful of signs in the locality that show some similarity to the appeal proposal could not be described as distinctive of shopfront advertising in the Conservation Area, the evidence I have seen does not confirm their planning status, and their presence would not justify the addition of further visually harmful signage. The proposed signs would be distinctly different in their appearance from the dominant form of signs in the vicinity, particularly when lit, and this would detract from the pleasant more traditional forms of shopfronts and signage characteristic of this section of Bethnal Green Road, and the wider Conservation Area. The combination of the plastic materials proposed in their construction and the means of illumination would create an unfavourable contrast with the majority of other signs in the area. This would lead to the proposal standing out visually against those more discrete signs in the vicinity.
14. The proposed signs would appear as visually intrusive features discordant with the dominant forms of advertising found on shopfronts in the area for the reasons I have set out. Having regard to the position and scale of the proposed signs they would have no direct relationship with the BLFCA and would not harm its setting. However, they would fail to preserve or enhance the character or appearance of the Conservation Area and in this respect would be harmful to visual amenity.

15. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material. Policies S.DH1, S.DH3 D.DH2 and D.DH10 of the Tower Hamlets Local Plan 2031 (January 2020) collectively provide that, amongst other things, proposals must preserve or, where appropriate, enhance the borough's designated and non-designated heritage assets in a manner appropriate to their significance; and, within conservation areas, advertisements need to complement the special character of the area, they should be externally illuminated, and projecting or hanging signs will be restricted to one per frontage. These policies all seek to protect amenity and are therefore material in this case. Given that I have concluded that the proposal would harm visual amenity, it would conflict with these policies.

Other Matters

16. The appellant states that the proposed signs '*...should be viewed as an asset to a fastly developing area*'. The Framework indicates that advertisements are subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Accordingly, this is not a matter to which I can have regard.

Conclusion

17. For the reasons given above, and having had regard to all matters raised, the appeal is dismissed.

David English

INSPECTOR