



Appeal Decision

Site visit made on 6 June 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2023

Appeal Ref: APP/U5360/Z/22/3312745

278-286 Stamford Hill, London N16 6TY

- 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 Wildstone Estates Limited against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2022/2122, dated 15 August 2022, was refused by notice dated 17 October 2022.
 - The advertisement proposed is the replacement of existing poster advertisement display with internally illuminated D-Poster.
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Decision

1. The appeal is allowed and express consent is granted for the replacement of an existing poster advertisement display with internally illuminated D-Poster at 278-286 Stamford Hill, London, N16 6TY as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out below:

1) The intensity of the illumination of the advertising displays shall be no greater than 100 cd/m during hours of darkness and the advertising displays shall be switched off between the hours of 23:00 and 06:00.

2) The minimum display time for any advertisement shall be 10 seconds and the interval between advertisements shall be instantaneous with no visual effects (including fading, swiping or other animated transition methods) between successive displays between each advertisement.

The advertising displays shall contain no features or equipment which would allow interactive messages or advertisements to be displayed.

There shall be no special effects (including noise, smell, smoke, animation, exposed cold cathode tubing, flashing, scrolling, three dimensional, intermittent, or video elements) of any kind during the time that any message is displayed.

The advertisement display shall contain no moving images, animation, video, any directional information/symbols, special effects, or message sequencing for the same product.

The display should include a mechanism to freeze the image in the event of a malfunction.

Preliminary Matters

2. The Regulations, the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The parties have drawn my attention to policies of the Hackney Local Plan 2020 (LP), considered to be relevant to the appeal. This includes the Council identifying in the decision notice that they consider that the proposal fails to accord with Policy LP7 and Policies D1, D3 and D8 of the London Plan 2021. I have taken the policies into account as material considerations in so far as they are relevant to amenity and public safety. The Council's reason for refusal relates specifically to matters of amenity.
3. The Council has indicated that there is no record of permission being granted for the existing advertisement. There is however no evidence before me to demonstrate that the Council has sought to secure its removal, and I note that it is agreed that it has been displayed on the building for the last 10 years. Therefore, the Council have stated that the existing advertisement is considered lawful through the passage of time. I am therefore satisfied on the evidence before me that I should consider the proposal on the basis that it replaces an existing advertisement rather than introduces a new one.
4. The Council has raised no concerns in relation to the appeal proposal's potential impact on public safety, and the proposal has been assessed as being acceptable in terms of highway safety, subject to planning conditions recommended by Transport for London (TFL). On the basis of the evidence before me, I have come to the same conclusions.

Main Issues

5. The main issues are the effect of the proposed advertisement on the amenity of the area, including the living conditions of the occupiers of nearby dwellings.

Reasons

6. The appeal site comprises the north facing wall of 278 to 286 Stamford Hill, which currently contains a non-illuminated billboard sign. The immediate surrounding area includes a mix of residential and commercial uses. The site is primarily visible to traffic travelling south on the A10.
7. In the vicinity of the appeal site, Stamford Hill is predominantly characterised by traditional two and three storey, terraced buildings, with shops, bars and restaurants at street level. The area is commercial in character, and displays a wide range of advertisements, some of which are illuminated. That said, with the exception of the appeal site and a few other examples, the signage along this part of Stamford Hill Road is generally limited to individual shop front fascias, with occasional small scale projecting signs at first floor levels.
8. Olina Road exhibits a more residential character as you head away from Stamford Hill. However, the part of the street at which the appeal site is situated is more commercial in nature, being a builders merchant's yard and having other commercial uses immediately opposite. There is also an existing poster advertisement displayed on the opposite side of Olina Road, which is of a similar size, position and type as the existing advertisement at the appeal site.

9. The proposed internally illuminated advertisement would be of a similar scale to the existing billboard and would enable the advertisement to show changing static images, changing approximately every 10 seconds. The signage although visible from long-ranging views as you travel along the A10, would be viewed in the context of surrounding uses and development which includes a broad range of signage, associated with commercial properties.
10. The nature of the proposal with changing of static advertisements displayed would differ from the existing non-illuminated advertisement and would likely draw the attention of road users and passers-by to a greater degree. However, the appeal site is within a busy, predominantly commercial area. In this context and taking into account the overall scale of the buildings and the long-established presence of the existing advertisement, I am satisfied that the screen would not adversely harm the visual amenity of the area.
11. Turning to the matter of living conditions, I acknowledge that the sign would face towards neighbouring windows and by virtue of its proximity and scale of the proposed illuminated sign would result in some light spill. However, given the commercial nature of the site, and its immediate surroundings, in particular that there is already an apparent level of illumination from street lighting, glazed shopfronts, and other signage in the area, the advertisement would not give rise to unacceptable impacts on the living conditions of neighbouring occupiers opposite the appeal site. Furthermore, the appellant has suggested planning conditions which would require the signage to be turned off between 23:00 and 06:00 and to reduce the illumination during hours of darkness to 100cd/m² rather than the industry standard of 300cd/m². If the appeal is allowed, an appropriately worded condition would ensure that the illumination level of the screen is restricted to avoid light pollution during hours of darkness, in accordance with the guidance prepared by the Institute of Lighting Professionals. Accordingly, subject to the imposition of a suitable planning condition, I find that the proposed advertisement would not cause harm to the living conditions of neighbouring occupiers.
12. For the reasons previously given, the proposed advertisement would not appear unduly prominent, dominant, or out of place as proposed in this particular location. On this basis, I find that the appearance, location, and illumination of the signage would not be inappropriate and would not lead to a significant detrimental impact upon the visual amenity of the area or the living conditions of neighbouring occupiers. Accordingly, subject to the imposition of a suitable planning condition, I find that the proposed advertisement would not cause harm to the living conditions of neighbouring occupiers.
13. I therefore conclude that the proposal would not have a harmful effect on visual amenity. I have taken into account Policy LP7 of the Hackney Local Plan (LP) which states that advertisements must not contribute to an unsightly proliferation or clutter of signage in the local area and detract from the amenity of the street scene and cause visual intrusion by virtue of light pollution into adjoining residential properties. I have also had regard to Policies D1, D3 and D8 of the London Plan which seek to ensure the delivery of high quality of design that responds to the existing character of the area. Given I have concluded that the proposal would not harm amenity, the proposal would not conflict with these policies.

Conditions

14. As previously mentioned, conditions in addition to the five standard conditions as set out in the Regulations are necessary in the interests of visual amenity and to ensure that public safety is not harmed.
15. I have imposed a condition (1) to control the level of illuminance and a requirement for the advertisement to be switched off between the hours of 23:00 and 06:00. This condition is necessary in the interests of protecting the living conditions of neighbouring occupiers and to ensure public safety is not harmed.
16. I have also imposed a further condition (2) to ensure that the advertisements are displayed for a minimum amount of time, that the change between advertisements is instantaneous, and that the displayed advertisement is static. This condition is necessary to ensure that public safety is not harmed and to ensure the advertisements do not harm the safe operation of the highway network.

Conclusion

17. For the reasons given above, I conclude that the display of the proposed advertisements would not be detrimental to the interests of amenity or public safety. The appeal should, therefore, be allowed and express consent granted subject to the conditions set out.

K Lancaster

INSPECTOR