



Appeal Decision

Site visit made on 5 July 2023 by A Coombes

Decision by Laura McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 August 2023

Appeal Ref: APP/U5360/Z/23/3316360

512 Kingsland Road, London E8 4AH

- 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 Sam Harrison (King Media Ltd) against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2022/2679, dated 3 November 2022, was refused by notice dated 22 December 2022.
 - The advertisement proposed is described as "Temporary static, illuminated shroud advertisement"
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Decision

1. The appeal is dismissed.

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. The control of advertisements is exercisable only with respect to public safety and amenity. 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.
4. In this case neither the Council nor any other party has raised any objection to the proposal in relation to public safety. From the evidence before me, and my observations on site, I see no reason to disagree.

Main Issue

5. Therefore, the main issue is the effect of the proposed scheme upon amenity.

Reasons for the Recommendation

6. The appeal site is a locally listed three-storey building which occupies a corner plot on the junction of Kingsland Road and Forest Road, within the Kingsland Conservation Area (KCA). The surrounding area is mixed-use, with a pattern of ground-floor commercial properties and first-floor residential properties.
7. The KCA is a linear area centred around Kingsland Road, which follows a historic Roman road. It is characterised by mixed-use buildings, many of which have commercial use at ground floor level and residential above. The terraces along Kingsland Road are predominantly constructed in brick and are typically

two to three-storeys high. With its prominent corner location and architectural detailing, the appeal site stands out in the street scene when compared with the plainer buildings in the adjacent terrace. Therefore, it contributes positively to the special interest of the KCA.

8. The National Planning Policy Framework (Framework), cautions that the quality and character of places can suffer when advertisements are poorly sited and designed. The National Planning Practice Guidance (NPPG) sets out that buildings which are being renovated may be considered suitable as temporary sites for shroud advertisements. However, it also states that the local characteristics of the neighbourhood should always be considered. Policy LP7 of the Hackney Local Plan 2033 Strategic Planning, adopted 2020 (HLP), requires advertisements to be of the highest standard of design, respect local character and context and be sensitive to the character of an area.
9. The proposed shroud would shield the proposed building work from public view and mitigate the potential negative visual impact of the scaffolding. The 1:1 representation of the building would provide some visual interest and an indication of the historic building behind. Consequently, it would be more visually attractive than a plain shroud or uncovered scaffolding. However, the inset advertisements would cover two of three bays on each façade of the building, limiting the visibility of the building image and reducing its contribution to visual amenity.
10. The appellant states that the advertisement insets would cover 26.9% of the scaffolded elevation, but this calculation includes the ground floor, which would not be covered by the shroud. Therefore, the advertisement inset would cover a greater percentage of the shroud itself. Much of the roof-level section of the shroud would show the sky. Furthermore, the two insets would meet at the corner of the building, giving the impression of a wraparound advertisement and leaving little of the image visible on this prominent corner. Consequently, the advertisements would appear as a large and dominant feature in both street scenes. The 1:1 image would appear as a secondary feature, visually subservient to the scale and dominance of the inset advertisements.
11. There are numerous examples of commercial signage in the surrounding area, predominantly related to host commercial premises. However, these are generally at ground floor level and much smaller in scale in relation to the host building than the appeal proposal. There are no high-level advertisements of this scale in the area. Therefore, the introduction of advertisements of this scale at first floor level would appear highly incongruous and would significantly detract from the appearance of the host property and this part of the KCA.
12. The proposed advertisements are sought for a period of 10 months, therefore their harmful impact would be temporary. However, the harm would endure for the duration of the display.
13. The proposed external illumination could be limited in intensity and designed to limit light spill, however it would still draw attention to the advertisements, particularly at night when the rest of the shroud would not be illuminated. The appellant would be willing to accept a condition to ensure that the advertisement is not illuminated at all, however this would only mitigate harm at night and not during the day. Limiting the images to be static would only mitigate the visual impact slightly. Overall, however, these conditions would

not satisfactorily mitigate the harm that would result from the scale and siting of the proposed advertisements.

14. Consequently, even with the mitigation proposed the proposal would result in harm to the character and appearance of the locally listed building and the KCA as a whole, and this would not be outweighed by the limited benefits of the 1:1 building image. The proposal would therefore harm the amenity of the area.
15. I have taken into account HLP Policy LP7 which seeks to protect amenity and so is material in this case. Given that I have concluded that the proposal would harm amenity, the proposal conflicts with this policy.
16. I have also had regard to HLP Policies LP1, LP3 and LP4 and Policies D3, D8 and HC1 of The London Plan (2021). These refer to development however, and advertisements are not development for the purposes of planning legislation, so they are not directly relevant to the proposal before me. Nevertheless, there would be conflict with those elements of the policies which seek good design and to conserve or enhance heritage assets. London Plan Policy D1 is strategic in nature and does not refer to advertisements specifically, and I have not been directed to a particular part relevant to this proposal, therefore it has not been determinative in my recommendation.

Other Matters

17. The appellant has mentioned examples of allowed shroud advertisements around London, however I only have excerpts of the appeal decisions and limited details of the advertisements and shrouds, with no images. It has not therefore been demonstrated that the scale of the advertisements in relation to the building or the shroud, or the benefits of the shroud images, were comparable to the appeal proposal. For example, the information provided indicates that at Cambridge Court four floors of the building were proposed to be shrouded, which suggests a much taller shroud than is before me. Moreover, at 14 Leicester Square and 55 Knightsbridge, the Inspectors found that the sites were currently unattractive or unsightly, which is not the case here. Consequently, these examples are materially different to the proposed scheme, which must be considered on its own merits and within its context, and they do not justify the harm that would result from this proposal.
18. The appellant suggests that repair and decoration works at the site will be part funded by the commercial displays, however there is no substantive evidence before me to demonstrate that this scheme is necessary to ensure that the works take place. Financial matters such as the potential for the Council to collect business rates do not fall within the considerations of amenity or public safety. Therefore, these matters do not outweigh the harm to visual amenity that would arise from the advertisements' presence.
19. The appellant intends to use the commercial displays to showcase artwork from a local institution for a period of time. There is however no mechanism before me to secure this, nor has it been demonstrated that the content of the advertisement display can lawfully be limited in this manner. Therefore, I can afford this negligible weight, and it does not outweigh the harm I have identified.

Conclusion and Recommendation

20. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

A Coombes

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the reasoning. Due to the size and siting of the proposed advertisements, the proposal would harm the character and appearance of the host building and the KCA as a whole. This harm could not be adequately mitigated by conditions, and would not be outweighed by the limited benefits of the image on the remainder of the shroud. On that basis, the appeal is dismissed.

Laura McKay

INSPECTOR