



Appeal Decision

Site visit made on 1 August 2023

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2023

Appeal Ref: APP/U5360/Z/23/3316155

Flank Wall, 262 Stamford Hill, Hackney, London N16 6TU

- 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 Group Limited against the decision of the London Borough of Hackney.
 - The application Ref 2022/2674, dated 12 October 2022, was refused by notice dated 21 December 2022.
 - The advertisement proposed is the display of a 48-sheet "D-poster" digital advertisement.
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Decision

1. The appeal is allowed, and express consent is granted for the display of a 48-sheet "D-poster" digital advertisement at Flank Wall, 262 Stamford Hill, Hackney London N16 6TU 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 Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the following additional conditions:
 - 1) The advertisement display shall be switched off between the hours of 23:00 and 06:00.
 - 2) The illumination of the advertisement display shall be operated in accordance with the *Professional Lighting Guide 05 (PLG 05) 'Brightness of Illuminated Advertisements'* by the Institute of Lighting Professionals or any subsequent amendment or equivalent replacement guide, except during the hours of darkness when the intensity of the illumination shall be no greater than 100cd/m² and no greater than 5000cd/m² at all other times.
 - 3) The advertising display shall operate with a control system to adjust illumination levels to reflect real time changes in ambient light levels and to turn the display off or display a black/blank screen in the event of any malfunction.
 - 4) The minimum display time for each advertisement shall be no less than 10 seconds.
 - 5) The interval between advertisements shall be instantaneous with no visual effects (including sequencing, fading, swiping, merging or other animated transition methods).
 - 6) The individual advertisements displayed shall not contain moving images, animation, intermittent or full motion video, audio, directional symbols or any images resembling road signs or traffic signals, or special effects.

- 7) The advertisement display shall not contain any features or equipment which would allow interactive messages or interactive advertisements to be displayed.

Preliminary Matters

2. The address on the planning application form is "262 Flank Wall, Stamford Hill, Hackney, London N16 6TU". In my banner heading above I have used the address as it appears on the decision notice as I consider it to be a more accurate address.
3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) stipulate that control may only be exercised in the interests of amenity and public safety, taking account of cumulative effects. This position is supported by the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG). The development plan policies put forward by the Council in its reason for refusal are not determinative, but I have taken them into account in so far as they relate to amenity and public safety. The Council has not refused the advertisement on the grounds of public safety, and I have found no reason to disagree.
4. The appellant submitted an appeal decision¹ for my consideration, which concerns a similar proposal at a nearby site, issued after the prescribed time period for evidence in the appeal before me. In my judgement, it is materially relevant, and I accepted it as late evidence. The Council was given the opportunity to comment upon this appeal decision and I am satisfied that no party would be prejudiced in this case.

Main Issue

5. The main issue is the effect of the proposed advertisement upon amenity.

Reasons

6. The appeal site is located within a commercial shopping parade along the busy A10 Stamford Hill. The parade is a three-storey building with commercial uses at the ground floor and residential uses above. The proposed advertisement would be sited on the flank wall of this parade above 262 Stamford Hill. Further commercial units extend from the parade towards the corner of Ravensdale Road, and the nature of built form to the corner is such that the flank wall, upon which the advertisement would be installed, is at right angles to further upper storeys which include residential uses, with windows serving habitable rooms.
7. Commercial uses are prevalent in the surrounding area beyond the parade along Stamford Hill. The area includes a variety of advertisements, predominantly fascia signs and small-scale projection signs, some of which are illuminated from above or internally. As a result, advertisements are an established and common feature within the immediate street scene. I saw more traditional poster advertisement displays further towards the north at Olinda Road, where the commercial density of Stamford Hill begins to diminish and built form reduces in height.

¹ APP/U5360/Z/22/3312745

8. The proposed advertisement would be approximately 6m wide and 3m high, about 0.1m deep, and sited about 7.3m above ground level. It would be internally illuminated and display changing static images, with a change interval of 10 seconds. Due to its location, design, scale and siting, it would be highly visible on the approach from the north. When set against the largely commercial nature of the immediate and surrounding area, and the scale of built form, the advertisement would not be out of place.
9. The evidence indicates that a 48-sheet illuminated scrolling display was previously displayed at the appeal site from 1997, until its removal in 2020 to facilitate maintenance and inspection of the host building, when it was not reinstated. Therefore, a large format advertisement in this location has been an established feature within the immediate street scene for a long period of time.
10. The proposed advertisement would be of a similar size to the previous display, but with a slimmer profile. A digital screen with alternating images would attract a greater degree of attention than the previous display. However, taking account of the commercial and busy nature of the area, together with the scale of the surrounding built form, I do not consider that the proposed display would result in any undue harm to the visual amenity of the area.
11. During daylight hours, the display would operate with levels of luminosity in accordance with well-established and widely accepted guidance², and it would include a system to manage luminosity in relation to ambient levels of light. It would be switched off during the night. The appellant seeks to operate the proposed system at some 100cd/m² during the hours of darkness, which is well below that within the guidance and also below that sought by Transport for London in order to ensure the safe operation of the road network. I am satisfied that the level of illumination would be acceptable in this location and that the proposed times when the signage would be turned off, between 23:00 and 06:00, would be reasonable in the circumstances of this site.
12. The appellant states that the proposed display would be passively cooled, rather than by the use of fans, and consequently, there is no reason to consider that the display would be audible.
13. Subject to suitable conditions to control the operation of the display, including luminosity, the proposal would not unacceptably harm the amenity of neighbouring occupiers, the street scene or the character and appearance of the host property and wider area.
14. I have had regard to the recent appeal decision submitted by the appellant, which was allowed, and I consider my decision to be consistent with it.
15. I therefore conclude that the proposed advertisement would not result in unacceptable harm to amenity. It accords with Policies LP1 and LP7 of the Hackney Local Plan 2033 (2020); and with Policy D4 of the London Plan (2021), in so far as they are material to the effect of advertisements on amenity. These policies seek to ensure that advertisements respect local character and do not detract from the amenity of the street scene or cause visual intrusion by light pollution into adjoining properties and avoid flashing illumination, in order to deliver high-quality design and place-making.

² Institute of Lighting Professionals: Professional Lighting Guide 05 (PLG05) 'Brightness of Illuminated Advertisements'

Other Matters

16. I note that there would be social, economic and environmental benefits associated with an efficient and modern digital display. However, under the Regulations, I am confined to matters that relate to amenity or public safety.
17. I have taken into account the objection to the advertisement which was received by the Council. I have examined the main issues raised in this representation in the analysis above. I am satisfied that there would not be any undue harm to the amenities of local residents, and in particular those living in the accommodation near the advertisement because of its satisfactory impact and including that the hours of operation that could be secured by condition. In terms of any potential fire risk, I have no clear and substantive evidence that there would be any likely issues in this regard.

Conditions

18. The Council has not suggested any conditions if the appeal were to succeed. I have considered the conditions suggested by the appellant, and in light of the Framework and PPG, and also with regard to the recent appeal decision provided by the appellant. For clarity, precision and to ensure compliance with the PPG, I have undertaken some amendments, editing and rationalisation.
19. The five standard conditions as required by the Regulations are imposed in the interests of amenity and public safety. Conditions 1, 2 and 3 are necessary in order to protect the amenity of neighbouring occupiers and the visual amenity of the area; to ensure the safe operation of the highway network; and to ensure that public safety is not harmed.
20. The remaining conditions are imposed in order to ensure that advertisements are displayed for a minimum amount of time, that the change between advertisements is instantaneous, and that the displayed advertisements are static and not interactive. These conditions are necessary to ensure that public safety is not harmed and to ensure the safe operation of the highway network.

Conclusion

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

J Moore BA. (Hons) BPL MRTPI

INSPECTOR