The Planning Inspectorate

Appeal Decision

Site visit made on 3 October 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2023

Appeal Ref: APP/U5360/H/22/3292515
Under Bridge Railway Wall, Westgate Street (South side), Hackney, London E8 3RL.

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
- The appeal is made by Ms Anna Mcaree, Jack Arts against London Borough of Hackney.
- The application Ref 2021/3375 is dated 17 November 2021.
- The advertisement proposed is erection of wall-mounted display boards on the Under Bridge wall (South side) comprising 4 individual 4-sheet poster boards each measuring 1.7m high x 1.2m wide for the display of 4-sheet size posters (Non-Illuminated) for community advertising for the 'Hello again Hackney' advertising campaign.

Decision

1. The appeal is allowed and express consent is granted for the display of a advertisements 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.

Background and Main Issues

2. There is no formal decision from the Council and I have not been provided any putative reasons for refusal.

3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material; and any other relevant factors.

4. Accordingly, and on the basis of the information before me, the main issues are the effect of the proposed advertisements on amenity and public safety.

Reasons

Amenity

5. "Amenity" is not defined exhaustively in the Regulations. However, it includes aural and visual amenity and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

6. The proposed advertisements would comprise non-illuminated poster boards. These would be located at street level aimed at pedestrians. The advertisements are small relative to the substantial bridge wall these would be

attached to and would not obscure any notable architectural features of the bridge.

7. Although the visibility of the proposed advertisements would be largely limited due to their location and containment associated with the railway bridge, the immediate context is a mix of mainly non-residential development extending either side of the railway bridge. As such, the proposed advertisements would complement those associated with nearby shops, restaurants, and pubs.

8. For the above reasons, the proposed advertisements would not adversely affect amenity.

Public safety

9. Given the context of the proposed advertisements (under a railway bridge) and having regard to the advice in the Planning Practice Guidance, in my view, the only aspect of public safety relevant to the proposed advertisements is highway safety.

10. The part of the bridge wall where the advertisements are to be located is recessed relative to its lower section and therefore the proposed advertisements would be slightly set-back from the adjacent footpath under the railway bridge. As such, the siting of the proposed advertisements will not interfere with users of the adjacent footpath. Also, because the proposed advertisements are non-illuminated and located not to directly face vehicular traffic, these would not unacceptably distract motorists travelling along Westgate Street.

11. Accordingly, the proposed advertisements would not harm public safety.

Conclusion

12. I conclude that the appeal should be allowed, subject to the five standard conditions as set out in the Regulations.

M Aqbal

INSPECTOR