



Appeal Decision

Site visit made on 19 September 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2023

Appeal Ref: APP/U5360/Z/22/3308083

159 - 161 Shoreditch High Street, Hackney, London E1 6HU

- 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 Stephen Smith, City Outdoor Media Ltd against the decision of London Borough of Hackney.
 - The application Ref 2022/1477, dated 14 June 2022, was refused by notice dated 8 August 2022.
 - The advertisement proposed is the retention of 2 no. externally illuminated banners on the northern and eastern elevation of Boundary House.
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Decision

1. The appeal is allowed and express consent is granted for the display of the advertisements as applied for. The consent is for a period of five-years from the date of the application and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The advertisement consent hereby granted shall expire on 14 June 2027 and the advertisements hereby permitted shall be permanently removed on or prior to 14 June 2027.
 - 2) The intensity of the illumination of the advertisements permitted by this consent shall be no greater than 280 cd/sqm.

Preliminary Matters

2. The Regulations require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework ('the Framework') and the Planning Practice Guidance reiterate this approach. Therefore, while I have taken account of the policies and guidance that the Council considers to be relevant to this appeal, these have not been decisive in my determination of this appeal.
3. The appeal site is located in the South Shoreditch Conservation Area ('CA'), where special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area.

Background

4. The proposal seeks consent for the retention of illuminated advertisements ('banner advertisements') on the northern and eastern elevations of the appeal property ('Boundary House') a vacant building along Shoreditch High Street. These banner advertisements were originally allowed under application reference 2017/1370. A condition was attached to that consent requiring the removal of these advertisements at the end of a five-year period. This proposal seeks consent for a further temporary five-year period. These advertisements

are located 3.5m above ground level and cover first, second and third floor levels. The advertisements display static images and are externally illuminated with a maximum illumination level of 280 cd/m².

Main Issue

5. The Council has concluded that the banner advertisements would be acceptable in terms of public safety, and I have no reason to disagree. Therefore, the main issue is the effect of the proposal on the visual amenity of the area, including the CA.

Reasons

6. Shoreditch High Street is a wide thoroughfare, along the eastern side of the CA. This thoroughfare represents an historic commercial route in and out of the City and was lined with buildings by the 16th century, its built form is predominantly characterised by subsequent Victorian and Edwardian commercial and industrial development, comprising substantial 4-5 storey frontages of commercial premises with ornate architectural detailing lining parts of Shoreditch High Street. Some high-quality newer buildings have also been introduced to the area. Therefore, together, the history and quality architecture of the area contribute to the significance of the CA.
7. Given the area's predominant commercial character, there are advertisements of a range of types, sizes, and illumination in the area. However, these are largely confined to proportionate signage on buildings.
8. Since the Council previously granted temporary consent for the banner advertisements, the Hackney Local Plan 2033 ('LP33') and the South Shoreditch Conservation Area Appraisal and Management Plan (2021) ('the Appraisal') have been adopted. Together, these oppose the introduction of large-scale wrap around adverts within Conservation Areas, which the Council considers as appearing incongruous, adding clutter to the street scene and detrimentally impacting on the immediate surrounding area.
9. The banner advertisements are orientated towards the street and uncharacteristically dominate the elevations of Boundary House to which they are attached. As such, they are large-scale and particularly apparent in localised views looking both north and south along Shoreditch High Street. These views are noted as being of key importance in the Appraisal.
10. Furthermore, the banner advertisements together with the approved digital LED advertisement panel on the north eastern elevation of Boundary House, uncharacteristically and substantially envelope a sizeable part of this tall, detached building in a prominent location. Collectively, these advertisements take the form of a exceptionally large advertisement hoarding that appears particularly obtrusive. Together, with the nearby LED advertisement panel along the frontage of the car park to the south of this Boundary House, there is a cluster of sizeable illuminated advertisements which create visual clutter.
11. For the above reasons, the banner advertisements do not contribute positively to the character and appearance of the CA and the visual amenity of the area.
12. Nevertheless, in this case, based on the evidence before me and my observations, the physical condition and appearance of Boundary House, is such that this detracts from the street scape along Shoreditch High Street and

the character and appearance of the CA and the visual amenity of the area. Indeed, Boundary House is identified as a negative building in the Appraisal and its redevelopment is encouraged by the Council in the interests of enhancing the CA.

13. Currently there is no redevelopment proposal for the site and the appellant states that their business is in the early stages of the economic recovery process following the Covid Pandemic and that at present it is not feasible to enter into the refurbishment of Boundary House.
14. As such, there does not appear to be a strong argument to allow a further temporary consent for the advertisements, pending the refurbishment of Boundary House. Even so, there is no certainty that Boundary House will be refurbished by the end of the temporary period for which advertisement consent is sought if the appeal were not to succeed. Moreover, the approved digital LED advertisement panel on Boundary House draws attention to this building. Therefore, without the proposed banner advertisements, its poor condition would be highlighted to the detriment of the appearance of the CA and the visual amenity of the area.
15. Consequently, the banner advertisements serve a purpose by concealing part of the exterior of Boundary House. However, in the context of the Appraisal and the significance of the CA, this should not be a long-term fix for dealing with a dilapidated building and could also disincentivise its refurbishment or the redevelopment of the site.
16. However, only a temporary consent is being sought which would provide some visual amenity benefit and gives the appellant a significant timescale to arrange for the refurbishment of Boundary House.
17. An appeal has been dismissed in respect of a proposed advertisement along the southern elevation of Boundary House. Nevertheless, the southern elevation is significantly more prominent in views from the south along Shoreditch High Street to the relatively lesser prominent northern and eastern elevations of this building and therefore is not comparable. As such, this does not alter my findings on the proposal before me.
18. For the above reasons and given the site-specific circumstances, the retention of the banner advertisements on a temporary basis preserves the appearance of the CA and safeguards visual amenity.
19. I have taken into account policies HC1 of the London Plan 2021 and LP1, LP3 and LP7 of LP33. Together, these seek to ensure that development proposals affecting heritage assets conserve their significance and protect amenity and so are material in this case. Given that I have concluded that temporary consent for the banner advertisements would preserve the appearance of the CA and not harm visual amenity, the proposal does not conflict with these policies.
20. The Council's decision also refers to Policy D4 of the London Plan, this policy is of a strategic nature and focuses on the design process and analysis and is not directly relevant to amenity.

Other Matters

21. The banner advertisements have been installed for a number of years and there is no evidence to support the Council's concern that the illumination

associated with these is unacceptably harming the amenity of occupiers of residential properties in the area.

Conditions

22. With regard to the duration of the banner advertisements permitted, as requested by the appellant and for the reasons given above, I have specified a condition giving consent till the end of the temporary period and requiring the removal of the permitted banner advertisements prior to the expiry of this period. In the interests of the amenity of the area, I have specified a condition for the maximum illumination of the banner advertisements.

Conclusion

23. For the reasons given above, and subject to the standard and additional conditions listed, the appeal is allowed.

M Aqbal

INSPECTOR