



Appeal Decision

Site visit made on 14 November 2023 by M Long BA (Hons) MSc MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 January 2024

Appeal Ref: APP/U5360/Z/23/3323213

144-150 Stoke Newington Road, London N16 7XA

- 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 Motor Fuel Group against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2023/0344, dated 9 February 2023, was refused by notice dated 5 April 2023.
 - The advertisement proposed is described as "7m Totem Pole sign".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The Government published on 19 December 2023 a revised version of the National Planning Policy Framework (Framework). Whilst I have had regard to the revised national policy as a relevant factor, in this instance, the issues most relevant to this advertisement appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

4. 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.
5. The Council has concluded that the advertisement would be acceptable in terms of public safety, and from the evidence before me I have no reason to disagree. Therefore, the main issue is the effect of the proposal on amenity.

Reasons for the Recommendation

6. The Planning Practice Guidance sets out that in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement, and the local characteristics of the neighbourhood should always be considered. The Framework sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.
7. The site is a service station situated within a busy, mixed-use area, which includes residential dwellings. In the area there is a variety of advertising, including illuminated and non-illuminated signage. There is considerable existing signage at the site, but this is generally grouped around the central petrol filling station. This includes an existing tall totem advertisement that is positioned close to the covered forecourt area.
8. The siting of the proposed totem sign, towards the front corner of the site, would be physically and visually separated from the existing advertising at the filling station and away from the building. As such, the proposal would result in harmful outspread of signage on the site, creating visual clutter within the streetscene. The proposal's height and prominent design would introduce a new substantial structure separate from others on the site. This would compete visually with the existing large totem in views of the site, to the detriment of local visual amenity.
9. The proposed advertisement would direct customers to the electric vehicle charging facility to the rear of the site, however, it has not been demonstrated that this could not be achieved with a less harmful design. Therefore, this does not justify the harm identified.
10. The totem faces would be oriented at an angle to nearby residential windows, and only parts would be illuminated. There are existing streetlights and illuminated signage in this vicinity, so it is not a dark area. A planning condition could be used to limit the luminance of the proposal to a level that would accord with industry guidance for this type of environment. In this context, it has not been demonstrated that the illumination of the proposed advertisement would result in a harmful level of light overspill to residential windows.
11. While no significant adverse effect on residential amenity has been identified, this would not outweigh the harmful effect of the proposal on visual amenity. Consequently, overall, there would be harm to amenity. I have taken account of Policies LP7, LP1 and LP2 of the Hackney Local Plan 2033 (adopted July 2020) and Policies D3 and D8 of The London Plan (adopted March 2021), which deal with amenity and are therefore material to this case. Insofar as they seek to protect visual amenity, there would be conflict with these policies, but not in relation to residential amenity.
12. The Council has referred to Policies D1 and D4 of The London Plan, which primarily focus on the preparation of local plans and the design process and scrutiny. However, these Policies are principally strategic in nature and as such have not been decisive in relation to the modest nature of the appeal scheme.

Recommendation

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

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's recommendation and agree with the reasoning and conclusion set out above. On that basis the appeal is dismissed.

L McKay

INSPECTOR