



Appeal Decision

Site visit made on 18 December 2023

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th January 2024

Appeal Ref: APP/E5900/Z/23/3331149

54 Middlesex Street, Tower Hamlets, London E1 7EZ

- 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 Huu Huy Tran against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/23/00100, dated 11 January 2023, was refused by notice dated 31 August 2023.
 - The advertisement proposed is described as Advertisement Consent to display 1 No externally illuminated fascia sign, 1 No non-illuminated projecting hanging sign and 1 No LCD display screen for shopfront window.
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Decision

1. The appeal is allowed and express consent is granted to display 1 No LCD display screen for shopfront window at 54 Middlesex Street, Tower Hamlets, London E1 7EZ, in accordance with the terms of application Ref PA/23/00100, dated 11 January 2023. 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 and the following additional condition:
 - 1). The illumination of the approved advertisement shall not exceed 300 candelas per square metre. No intermittent or flashing lighting shall be used. No moving features, animations or exposed cold cathode tubing shall be displayed.
2. The appeal is dismissed in so far as it relates to 1 No externally illuminated fascia sign and 1 No non-illuminated projecting hanging sign.

Preliminary Matters

3. The Regulations¹, National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) make it clear that advertisements should be subject to control only in the interests of public safety and amenity. I have had regard to the policies referred to in the Council's decision notice. However, having regard to the above, these policies have not been decisive in my determination of this appeal.

Main Issue

4. The Council has raised no concern about public safety in this case and I have no reason to find differently. The advertisements are static and there is no concern in respect of aural amenity either. Accordingly, the main issue is the effect of the advertisements on the visual amenity of the area.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

Reasons

5. The appeal site is located within the Wentworth Street Conservation Area (CA). I am therefore mindful of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
6. Whilst amenity is not defined exhaustively within the Regulations, it does indicate that relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. The PPG states that in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features’.
7. The CA is characterised by narrow fronted, three and four storey development, adjoining the back edge of the pavement comprising a mix of uses with retail and commercial uses at ground floor with residential above. Advertisements within the area comprise a mix of illuminated and non-illuminated, with fascia signs, hanging signs and projecting signs a feature of the area.
8. The narrow frontage of the host property, its design and architecture, including its shop front make a positive contribution to the character and appearance of the CA.
9. Apart from the LCD Screen within the shopfront window, the advertisements are displayed on the premises. The fascia sign has an external strip light above the name of the business and there is a further strip light below this, advertising the nature of the business. A projecting hanging sign is attached to the pilaster to the side of a doorway serving the flats above the commercial use, which sits below the console bracket and the level of the fascia.
10. The Council has indicated that whilst it has some concern about the font size of the fascia sign, its position within the shopfront is acceptable and the size of the subsidiary information below it is appropriate. The size of the lettering within the fascia sign did not strike me as being excessive and it sits comfortably within the fascia of the shop front. Indeed, it is smaller than lettering on nearby premises including that on the Cityprint premises and other commercial premises within the same terrace of properties.
11. External illumination of fascia signs using fluorescent strip lighting above the name of the commercial premises is a characteristic of the area. However, in this case two fluorescent lights are proposed as set out above. The level and position of the external lighting is out of keeping with the character and appearance of the area. The photograph submitted by the Council which was taken after dark demonstrates that the type of illumination has resulted in an intrusive and inappropriate form of advertisement in the street scene, which is harmful to the visual amenity of the area.
12. I have considered whether controlling the level of illumination by condition would address these concerns, however the double row of lighting, whether

controlled or not results in a type of illumination that is incongruous, and a lesser level of luminance is unlikely to suitably mitigate the identified harm.

13. The appellant has indicated that the projecting sign would be non-illuminated, and whilst the Council's photograph shows it as illuminated, I have based my assessment on what the appellant is seeking consent for.
14. The projecting sign is made from Perspex and whilst noting the Council's desire for traditional materials to be used, given the context with nearby projecting advertisements constructed of similar materials, the sign is not unacceptable in this regard.
15. However, projecting signs in the locality are closely related to the fascia signs, set higher within the shopfront than that at the appeal site. The projecting sign's location is more closely related to the pedestrian door to the flats above the commercial premises and is visually divorced from the premises that it is intended to serve. Moreover, its position on the pilaster is visually prominent in the street scene, introducing an alien form of advertisement below fascia height.
16. The Council has raised no concern with regard to the LCD display screen for the shopfront window and on the basis of the evidence before me, I have no reason to find differently in this regard.
17. Given my findings I conclude that the LCD display screen would be acceptable having regard to the visual amenity of the host building and area. It would have a neutral effect on the character and appearance of the CA. The external illumination of the fascia signage and the projecting hanging sign are harmful to the visual amenity of the host building and the area, in conflict with Policies D.DH9 and D.DH10 of the Tower Hamlets Plan 2031 Managing Growth and Sharing Benefits which require, amongst other matters, for advertisements to complement the character, appearance and visual amenity of the site and surrounding area and have no adverse effect impact on the significance of heritage assets. Given the harm I have identified it follows that these advertisements would neither preserve or enhance the character or appearance of the CA, in conflict with the Act.

Other Matters

18. I note the concern raised by the appellant about the Council's handling of the application. This is a matter that should be raised with the Council in the first instance. These matters are not determinative in my consideration of this case.
19. I note that the advertisements would not be harmful to public safety and that the clearance between the pavement and the hanging sign would not impede pedestrian flow. The Regulations require amenity to be considered as well as public safety and my finding in this regard does not outweigh the identified harm.
20. The absence of harm to the outlook of nearby residents is a neutral matter that neither weighs in favour or against the advertisements in this case.

Conditions

21. The Regulations set out in Schedule 2 five standard conditions which are necessary. The Council has suggested a condition controlling the level of

illumination and given the character and appearance of the area and the site's location within a CA, such a condition is necessary to respect the visual amenity of the area.

Conclusion

22. Given my findings, a split decision can be issued granting express consent for the advertisement that is acceptable (LCD display screen), and dismissing those advertisements that are not.

RC Kirby

INSPECTOR