



Appeal Decision

Site visit made on 16 January 2024

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2024

Appeal Ref: APP/U5360/H/23/3325566

20A Shoreditch High Street, Hackney, London E1 6PG

- 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 London Lites Ltd against the Council of the London Borough of Hackney.
 - The application Ref 2023/0150 is dated 20 January 2023.
 - The advertisement proposed is replacement of existing internally illuminated advertising display with a LED digital advertising display.
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Decision

1. The appeal is allowed and express consent is granted for the display of the replacement of existing internally illuminated advertising display with a LED digital advertising display 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 and the following additional conditions:
 - 1) The intensity of the illumination of the digital display screen permitted by this consent shall be no greater than 600 candela/sqm during the daytime and 300 candela/sqm at night.
 - 2) The minimum display time for each advertisement on the digital display screen permitted by this consent shall be 15 seconds.

Preliminary Matters

2. The description of the proposal on the application form includes reference to a previous express consent. This does relate to the display of an advertisement in itself, as such I have removed it from the banner heading above.
3. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. However, as the Framework's policy content insofar as it relates to the main issue has not been significantly changed there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by my taking this approach.

Background and Main Issue

4. Following the submission of the appeal against non-determination, the Council has confirmed that it would have recommended refusal if it had had the opportunity to make a decision. It is not in dispute that the proposal would not have a harmful effect on factors relevant to public safety and from the evidence I have before me, together with observations from my site visit, I

have no clear reason to disagree. Therefore, I consider the main issue to be the effect of the proposal on amenity, bearing in mind it would be within the South Shoreditch Conservation Area (SSCA).

Reasons

5. The appeal relates to the flank wall of a 2-storey terrace on Shoreditch High Street which is currently occupied by a static backlit advertisement. The surrounding area has a mix of uses and a commercial character. There are a variety of illuminated advertisements close to the site, including shop fascia signs and integral displays on bus shelters and kiosks.
6. The appeal site falls within the SSCA, as such, in determining the appeal I have paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area¹. From my observations and the SSCA Appraisal and Management Plan the significance of the SSCA, insofar as is relevant to this case, is primarily derived from its historic association with furniture and printing industries and the surviving buildings from that period. While the property at the appeal site is a positive building in the SSCA, the existing advertising hoarding awkwardly extends beyond the elevation which detracts from the SSCA as a consequence.
7. As the existing advertisement would be replaced by the proposal there would be no numerical increase in advertisements. The proposal would not therefore contribute to excessive street clutter in the area, identified in the SSCA Appraisal and Management Plan as a threat to the conservation area.
8. The proposal would be taller than the existing advertisement, however the reduction in width would result in the proposed development being affixed more neatly within the elevation in comparison to the existing advertisement. It would not therefore be out of scale with the elevation and would not appear as an overly dominant or intrusive feature in relation to it. Despite the appeal site's prominent position in the street owing to its location adjacent to a gap in the street frontage, the proposal would not be visually intrusive, including in views along Shoreditch Highstreet on approach from the south.
9. The proposed digital poster would have an internally illuminated display and would be capable of rotating static images every 15 seconds. However, illuminated advertisements are not uncommon in the street scene, it would be controlled by light sensors that would vary the brightness of the display according to the ambient light conditions and would be switched off between the hours of midnight and 6am. Furthermore, illumination levels could be restricted so that the advertisement would not look overly strident in the urban street scene, including at night time when luminance would be reduced. While the display would change in sequence, each one would be static providing that the timing of the sequencing is limited by condition. The changes in display would not therefore appear incongruous in the streetscape.
10. Accordingly, while there are differences in appearance to the existing advertisement the appeal scheme would not appear more prominent or dominant than the existing display. Rather the proposal would be a visual improvement. Considering the existing features and the general urban context, the proposed advertisement would not be unusual and it would not be

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

detrimental to the amenity of the area. It would therefore preserve or enhance the character or appearance of the SSCA and would not harm its significance as a whole.

11. Overall, the proposal would not be harmful to amenity, preserving the SSCA and its significance. I have taken into account Policies D4 and HC1 of the London Plan (2021) and Policies LP3 and LP7 of the Hackney Local Plan (2020). Amongst other things, these policies seek new advertisements that deliver good design, do not detract from the amenity of the street scene and avoid harming heritage assets, and so are material in this case. Given I have concluded that the proposal would not harm amenity, the proposal accords with these policies. The appeal scheme would also be in line with the heritage protection policies of the Framework and the provisions at paragraph 141 in relation to the siting and design of advertisements.

Conditions

12. In addition to the five standard conditions I impose the conditions regarding the intensity of the illumination and the minimum display time. These conditions are necessary in the interest of visual amenity.

Conclusion

13. For the reasons given above I conclude that the display of the advertisement would not be detrimental to the interests of amenity. Therefore, the appeal should be allowed.

F Harrison

INSPECTOR