



Appeal Decision

Site visit made on 4 April 2024 by M Long BA(Hons) MSc MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th April 2024

Appeal Ref: APP/U5360/Z/23/3333670

53 Curtain Road, Hackney, London EC2A 3PT

- 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 McCarthy (Jealous Gallery) against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2023/1797
 - The advertisement is a roof level sign.
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Decision

1. The appeal is allowed and express consent is granted for a roof level sign 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.

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.

Preliminary 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.
4. The advertisement was erected prior to the application being made and what I viewed at the site accords with the plans before me. I have considered the appeal on this basis.

Main Issue

5. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised only 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.
6. The Council has concluded that the advertisement is 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 advertisement on the amenity of the area.

Reasons for the Recommendation

7. The Planning Practice Guidance (PPG) 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, including important cultural features. The Framework sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.
8. The site is a four-storey building 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. This area contains a diversity of architecture, businesses and street art, which contribute to its lively and vibrant local character. The surrounding buildings have differing heights, and some also have roof extensions or additions, which has resulted in a varied roofscape. Advertising is characterised by a variety of styles, which includes examples of high-level signage, for instance at the parapet level at the Old Blue Last and the 'colt' branding on its neighbouring building. There is roof level signage in the wider CA, such as at the Tea Building.
9. This area has undergone significant periods of change, including: post-war development following bomb damage; the growth and decline of trade and manufacturing; and, the more recent rise of the creative and night-time industries. The advertisement has been in situ for over 9 years and is understood to have been erected during a time when the creative industries which now form a key part of the area's character were first being established in this area.
10. The sign, therefore, is reflective of a specific period in the cultural evolution of the area. In this context, it is in keeping with the amenity of the area, which includes a consideration of important cultural features. Due to the unique associations of the sign, it is not considered to provide a precedent for the proliferation of roof level signage, nor does it appear to have done so. Any new advertisements would not have the same cultural ties to the area.
11. The host building is identified as a neutral contributor to the CA in the South Shoreditch Conservation Area Appraisal and Management Plan 2021 (CAAMP). The scale of the advertisement is sympathetic to the large size of the host building and its unique design is in keeping with the vibrant and lively local character. Its set back from the parapet, individual lettering design and white colour limit its overall visual prominence within the streetscene, particularly when viewed against a cloudy sky. It is also no longer illuminated, and no illumination is proposed here. Therefore, while clearly visible, the advertisement does not increase the prominence of the host building to such a degree that it detracts from the appreciation of the neighbouring buildings which do make a positive contribution to the CA.
12. Within the context of the existing varied roofscape, the siting at roof level does not appear incongruous. Nor does it unbalance the pair of buildings below, the scale, design and detailing of which still clearly read as a pair. Due to the tall height of the host building, the roof level advertisement is a substantial distance from the fascia signage, which provides a visual break and prevents clutter on the front elevation. Given the other high-level signage in the vicinity of the site, and roof level signs in the wider CA, the appeal scheme preserves the character and appearance of the building and the area.

13. The advertisement's muted colour palette and simplified branding is in line with the guidance set out within the CAAMP. While the Shopfront Design Guide Supplementary Planning Document focuses primarily on lower-level signage, it sets out the importance of considering the effect of the design on the rest of the street and local area. As outlined above, the advertisement is in keeping with the amenity of the area and does not dominate its surroundings. As such, there is no conflict with this guidance document.
14. Concerns have been raised that the sign is unnecessary, however the PPG makes it clear that unless the nature of an advertisement is in itself harmful to amenity or public safety, consent cannot be refused on that basis. The need for the sign has not therefore been determinative in my assessment of the appeal.
15. I have taken account of the Hackney Local Plan 2033 (adopted July 2020), specifically Policy LP7 which seeks advertisements that are sensitive to the character of an area through size and siting, and so is material in this case. I have also taken account of Policies LP1 and LP3 which together, amongst other things, seek proposals that preserve or enhance the character and appearance of the historic environment, and so are also material. Policy HC1 of The London Plan (adopted March 2021) seeks proposals affecting heritage assets that conserve their significance and so is also material in this case. Overall, given that the advertisement does not harm the amenity of the area, there is no conflict with these Policies.
16. The Council has mentioned conflict with Policy D4 of The London Plan; however, this relates to the design process and scrutiny and it is not clear how this policy relates to this advertisement appeal. In any event, as I have found no harm from the design, there is no conflict with this policy.

Conditions

17. The five standard conditions as set out in the Regulations will apply.

Conclusion and Recommendation

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

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and my representative's recommendation and I agree with the reasoning set out above. The sign preserves the character and appearance of the CA and does not harm the amenity of the area. On that basis the appeal is allowed subject to the five standard conditions.

L McKay

INSPECTOR