



Appeal Decision

Site visit made on 15 April 2024

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15th May 2024

Appeal Ref: APP/U5360/Z/23/3335324

Pavement o/s 143-145 Clapton Common, Hackney, London E5 9AE

- 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 Mrs Adele Grogan of Clear Channel UK against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2023/1975, dated 23 August 2023, was refused by notice dated 23 October 2023.
 - The advertisement proposed is described on the application form as a free-standing advertising CIP unit featuring double-sided digital displays measuring 1635mm (H) x 924mm (W) to replace existing/recently removed free-standing advertising CIP unit featuring double-sided internally illuminated 6-sheet displays.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that applications for the display of advertisements are considered 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.
3. The Council has referred to development plan policies contained within the London Plan (2021) and Hackney Local Plan 2033 (2020) (HLP). HLP Policy LP7, Advertisements, is material in this case. It states that advertisements must not, amongst other things, contribute to an unsightly proliferation or clutter of signage in the local area, detract from the amenity of the street scene, cause a physical obstruction to the public realm, or cause visual intrusion by virtue of light pollution. I also note HLP Policy PP1 states that development should create wide, clear and level pavements and avoid unnecessary clutter.
4. The description of the advertisement proposed given on the application form refers to the replacement of an "existing/recently removed" free-standing advertisement unit. At the time of my visit an existing unit did not remain in place.

Main Issues

5. The main issues are the effects of the proposed advertisement on visual amenity and highway safety.

Reasons

Background

6. The proposed advertisement would comprise a free-standing Council Information Panel (CIP) unit which would be about 2.6m high, by 1.1m wide, and have a depth of about 0.2m. It would have approximately 1.6m high by 0.9m wide digital display panels on both sides with an illuminance level of 3500cd/m². The unit would be constructed of a dark grey metal. In addition to displaying advertising the appellant advises that the unit would display Council corporate messages (10% minimum), as well as Council and other emergency messages from time to time.
7. The proposal would be located in a position previously occupied by a slightly larger double-sided internally illuminated advertising structure. The information before me indicates this was given consent in the late 1990s, prior to the current Regulations coming into place and prior to the adoption of the current development plan and the National Planning Policy Framework (2023). Whilst the previous advertising structure is noted, it does not form a fall-back position as there is no longer an existing structure that could be retained if this appeal is dismissed. The effects of the proposal on amenity and public safety therefore need to be assessed against the situation that exists today, namely a section of pavement that is without an advertising structure.

Visual Amenity

8. The appeal site comprises an area of pavement on the southern side of Clapton Common close to the junction with Leweston Place. This pavement forms part of the Stamford Hill District Centre, a bustling commercial area centred around a major road junction. As a consequence of the area's character and function there are numerous items of street furniture including telephone kiosks, bus shelters, post boxes, cycle stands, road signs, street lights and CCTV camera posts. This, together with the active shop frontages, gives the street scene a cluttered and somewhat frenetic appearance and character.
9. The appeal proposal would be a prominent addition to the street scene. However, it would be viewed against the backdrop busy shops with prominent signage and would be in an area with high levels of illumination at night. As such it would not be a particularly obtrusive or incongruous addition to this particular street environment.
10. For these reasons I am satisfied that the proposal would not have an unacceptable effect on the character and appearance of the area or harm visual amenity. I have taken into account the policies identified above which are material to this case. Given that I have concluded that the proposal would not harm amenity, the proposal would accord with these policies.

Highway Safety

11. The proposal would be sited next to a parking bay which is used for the delivery of goods to the nearby shops. At the time of my visit there was a

delivery taking place, there were goods on the pavement in front of the convenience store and rubbish piled up next to the road. This level of activity and obstacles, although temporary, made the section of pavement in front of 143-145 Clapton Common somewhat difficult to navigate. This situation would be exacerbated by the introduction of an additional obstacle to the free-flow of pedestrians and people servicing the shops.

12. Due to its siting and size I therefore conclude that the proposed advertisement would exacerbate an already poor situation resulting in unacceptable harm to pedestrian safety. I have taken into account the planning policies cited by the Council that are material to this issue. Given that I have concluded that the proposal would harm highway safety, it follows that it conflicts with these policies.

Other matters

13. The appellant has referred to various social and economic benefits that may arise from the installation of the proposed advertisement, including additional revenue for the Council and the provision of an on-street public communications service. However, the Regulations stipulate that advertisements are subject to control only in the interests of amenity and public safety, and therefore the benefits referred to cannot be taken into account. Accordingly, I attach minimal weight to these matters.
14. The appellant has provided information on some of the many instances of advertisement consent being granted for double-sided freestanding advertising panels throughout London. This is noted. However, each application and appeal must be considered on its individual merits having regard to the particular characteristics of a site's context. As such I attribute limited weight to the information provided.

Conclusion

15. For the reasons set out under the second main issue, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR