
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/23/3335165

Pavement o/s 95 Upper Clapton Road, Hackney, London E5 9BU

- 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 2023/1990, dated 23 August 2023, was refused by notice dated 19 October 2023.
 - The advertisement proposed is the erection of a free-standing advertising CIP unit featuring double-sided digital displays measuring 1635mm (H) x 924mm (W).
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Decision

1. The appeal is allowed and express consent is granted for the erection of the advertisement 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.

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. I have amended the description of the advertisement given on the application form in the banner heading above to reflect the fact that this proposal would not replace an "existing/recently removed" free-standing advertisement unit.

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.

Visual Amenity

7. The appeal proposal would occupy an area of pavement on the western side of Upper Clapton Road in front of a group of retail units. The shop frontages project forward of the group of 3 and 4 storey buildings of varied age and appearance. On the opposite side of the road there is a petrol filling station with a prominent canopy and conspicuous signage. There are telephone boxes and bus shelters nearby on both sides of the road.
8. Whilst the appeal proposal would be a prominent addition to the street scene, it would not be particularly obtrusive or incongruous as it would be viewed against the backdrop of shopfronts and in the context of commercial properties with prominent forms of signage and high levels of illumination at night. 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, it follows that it would accord with these policies.

Highway Safety

9. The proposed advertisement would be sited towards the outer edge of a relatively wide pavement close to a lamppost, a CCTV post and utility cabinets. In effect it would form part of an existing cluster of street furniture elements that already create an obstruction to pedestrians using this section of pavement. For this reason I am satisfied that the proposal would not result in harm to pedestrian safety.
10. Due to its size, siting and level of illumination the proposal would be highly conspicuous to road users. However, the road is straight and traffic speeds are restricted so I am satisfied that the level of distraction resulting from the proposal would not cause harm to the safety of road users.
11. I therefore conclude on this matter that the proposal would not result in harm to highway 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 not harm highway safety, it follows that it accords with these policies.

Other matters

12. Third parties have referred to the energy use inherent in the proposal and the effects of advertising. However, the Regulations stipulate that advertisements are subject to control only in the interests of amenity and public safety, and therefore the potential disbenefits referred to cannot be taken into account in my decision. Accordingly, I attach limited weight to these matters.

Conclusion

13. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

S Poole

INSPECTOR