
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/23/3334777

Pavement o/s 141 Stamford Hill, near Amhurst Park, London N16 5LG

- 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 2023/1967, dated 23 August 2023, was refused by notice dated 18 October 2023.
 - The advertisement proposed would comprise the erection of a Free-Standing Advertising CIP unit featuring a single digital display measuring 1635mm (H) x 924mm (W) with a non-advertising, non-illuminated space on the reverse for Council or Community content.
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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 postcode for the appeal site given on the application form differs from that given on the appeal form. I have used the postcode given on the latter in the banner heading above as this more accurately reflects the location of the site.

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 panel on the side facing the road junction, with an illuminance level of 3500cd/m², and non-illuminated-space for community information on the other side facing the tree. 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 site comprises an area of pavement on the western side of Stamford Hill close to the junction with Amhurst Park. The site 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 area a busy and generally cluttered character and appearance.
8. However, the appeal site is set away from the retail frontages in a wide section of pavement that is dominated by a mature tree. This tree would form the backdrop against which the digital display would be viewed by passersby. In this context, due to its size, siting and, in particular, the method of illumination, the proposed advertisement would be a garish and incongruous element in the street scene that would have an unacceptable effect on the character and appearance of the area and would severely 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 harm amenity, it follows that it would conflict with these policies.

Highway Safety

9. The proposed advertisement would be sited towards the outer edge of a very wide pavement close to a mature tree. As such it would not cause an obstruction to pavement users and therefore I am satisfied that it 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, it would be sited close to a junction, on a section of straight road where traffic speeds are low and restricted. I am therefore satisfied that the level of distraction resulting from the proposal would not cause harm to the safety of road users.
11. I 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. This lack of harm does not outweigh the harm identified in respect of the first main issue.

Other matters

12. 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.
13. 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

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

S Poole

INSPECTOR