



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/23/3334803

Pavement o/s 47-49 Stamford Hill, Hackney, London N16 5SR

- 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 2023/1966, dated 23 August 2023, was refused by notice dated 18 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 allowed and express consent is granted for the display 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. 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.

5. 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

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

Reasons

Background

7. 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.
8. 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

9. The appeal site comprises an area of pavement in front of the blank façade of a superstore and it is a short distance from a petrol filling station. Both feature prominent signage and make a negative contribution to the character and appearance of the street scene, albeit their impact is softened to a degree in summer months by the road side trees. The wider area is predominately commercial and Stamford Hill is a main road and bus route.
10. The appeal proposal would be a prominent addition to the street scene. However, it would be viewed against the backdrop of the superstore and the filling station and the latter would create high levels of illumination at night. In this particular context the proposal would not be overly obtrusive or a particularly incongruous element.
11. 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 accord with these policies.

Highway Safety

12. The proposed advertisement would be sited towards the outer edge of a very wide pavement. 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.
13. Due to its size, siting and level of illumination the proposal would be highly conspicuous to road users. However, it would be sited on a section of straight road where traffic speeds are restricted. I am therefore satisfied that the level of distraction resulting from the proposal would not cause harm to the safety of road users.
14. 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.

Other matters

15. 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 minimal weight to these matters.

Conclusion

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

S Poole

INSPECTOR