



Appeal Decision

Site visit made on 15 May 2024

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th June 2024

Appeal Ref: APP/U5360/Z/24/3338438

5 Dalston Lane, Hackney, London E8 3DF

- 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 Infinity Outdoor Limited against the decision of the London Borough of Hackney Council.
 - The application Ref 2023/1253, dated 1 June 2023, was refused by notice dated 18 December 2023.
 - The advertisement proposed is the display of one down-lit illuminated portrait frame-mounted banner advertisement (7m x 7m) on the side (western facing) elevation.
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Decision

1. The appeal is dismissed.

Procedural Matters.

2. Subsequent to the decision made by the Council on the application to which this appeal relates, the Government published the revised National Planning Policy Framework (the Framework) on 19 December 2023. I consider that there have been no major changes relevant to the main issue in this appeal. It will therefore not prejudice any party by making my decision with regard to the revised Framework.

Main Issue

3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) sets 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.
4. From my reading of the material submitted for the purposes of this appeal the main issues are the effect of the proposed advertisement on:
 - The character and appearance of the host building and that of the local area, with reference to Dalston Lane (West) Conservation Area (the CA); and
 - public safety as it relates to users of the highway.

Reasons

Character and Appearance

5. The appeal site is a three storey building with a commercial use at ground level with residential use on the floors above. It is located in an area that is a mix of commercial and residential use. It is located on the north side of Dalston east of its junction with Kingsland Street, where its exposed flank appears to result from the previous demolition of the building on the neighbouring site.
6. Through the designation of the CA the Council has recognised the local area within which the appeal building sits as a heritage asset. The significance of the CA is defined by the original old village core of ribbon development along Dalston Lane dating from the Georgian and Victorian era along with buildings that evidence Hackney's industrial past to the west. This produces a streetscape of mid-rise buildings which produce an attractive and cohesive townscape. The appeal property is identified in the Dalston Lane (West) Conservation Area Appraisal (2017) (the DLWCAA), as a building of townscape merit, which, consequently, makes a positive contribution to the significance of the CA.
7. The Conservation Area is a heritage asset to which I have a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I must pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
8. Although the appeal building is identified as a building of townscape merit, what appears to be the demolition of the neighbouring building has resulted in the addition of what appears to be concrete buttresses to its now exposed party wall flank. The proposal is to install a 7m x 7m framed banner advertisement that would be externally illuminated by way of downlighters. This would be positioned across the 3 tallest buttresses that are nearest to the street, spanning between first and second floor levels.
9. The appeal building is located within a wider vibrant streetscape where there is illuminated signage, both internally and externally illuminated, although this is predominantly at ground level and associated with retail and commercial uses. Due to its size, illumination and elevated position on the flank of the appeal building and a curve in the street, the proposed advertisement would be very visible from along Dalston Lane, beyond its junction with Kingsland Road. This would result in the proposed advertisement being unduly prominent in street views from with and towards the CA, where it would read as a visually dominating addition to the streetscene. This would result in it standing in stark and incongruous contrast with the 18th and 19th century buildings, including the appeal building, which define the local townscape and the significance of the CA.
10. I acknowledge that the proposed advertisement would cover over the exposed flank and concrete buttresses of the appeal dwelling, which are detrimental to the townscape and significance of the CA. However, the prominence of the proposed advertisement, compounded by its illumination would, due to the effect on the appeal building and the local townscape, further diminish the contribution that the appeal building makes to the CA as a building of townscape merit.

11. Whilst I note from my site visit that there are currently large externally illuminated advertisements that form part of the shroud on scaffolding on the building at the southern corner Dalston Lane and Kingsland Road, this location is outside of the boundary of the CA and relates to the more intensely commercial nature of Kingsland Road that forms part of the adjacent CA within which it sits. No information has been provided to me on the planning background to these nearby advertisements. Other advertisements referenced by the appellant do not appear to currently be in place. I have, therefore only afforded these existing and previous nearby advertisements only limited weight in my considerations.
12. For these reasons, I find that the proposal would be significantly harmful to the appearance of the appeal building and that of the local area and would fail to preserve or enhance the character and appearance of the CA. In the context of paragraph 208 of the Framework, the harm I have identified to the significance of the CA would be less than substantial.

Highway Safety

13. From my site visit it was evident that, due to the size and illumination of the proposed advertisement, its elevated position on the flank wall of the appeal building and the bend in this part of the street, the proposed advertisement would be visible in street views from the western approach along Dalston Lane towards its junction with Kingsland Road. In these views the proposed illuminated sign would be prominently seen in the background to traffic and pedestrian control lights that control the traffic and pedestrian flows around what appears to be a busy junction for both pedestrians and vehicular traffic as well cyclists.
14. Whilst the appellant has provided a visual of the proposed advertisement as it would appear from the junction of Dalston Lane with Kingsland Road, along with other street level and aerial photographs of the junction and approaches to it, no additional information has been provided in relation to pedestrian and traffic flows at this busy junction, or any information or analysis of traffic collisions at the junction or approaches.
15. Given the proximity and visibility of the proposed advertisement in relation to the junction and vehicular traffic navigating the junction, I find that there is insufficient information made available to me to enable me to be satisfied that the visual effect of the proposal that I have identified above, would not lead to distractions for highway users. Such distraction would potentially result in a reduction in the safety of those users, particularly the more vulnerable road users that use this busy junction. Accordingly, without information that would indicate otherwise, I find that the proposal would result in significant harm to the public safety of users of the highway.
16. For the reasons set out above, the proposed advertisement would not accord with Policies LP1, LP3, LP7, PP1, LP41 and LP42 of the Hackney Local Plan 2033 (2020), Policies D3, T4, D8 and HC1 of the London Plan (2021) and paragraph 141 and Sections 9 and 16 of the Framework. Collectively these seek, to ensure that advertisements have regard to the local character and context of an area and its visual amenity, and importance of preserving or enhancing heritage

assets, and that advertisements do not constitute a road safety hazard and are not harmful to public safety.

Planning Balance and Conclusion

17. The proposed advertisement would be more substantially of a private commercial rather than public benefit. Set against the substantial harm to the character and appearance of the appeal dwelling and that of the local area, the significant harm to public safety and the less than substantial harm to the significance of the CCA that I have identified above, I do not find that the benefits of the proposal outweigh this harm.
18. Dismissing the appeal is a proportionate response in this instance.

Victor Callister

INSPECTOR