



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/24/3337998

1 Stoke Newington Road, Hackney, London N16 8BH

- 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 King Media Ltd against the decision of the London Borough of Hackney Council.
 - The application Ref 2023/2740, dated 30 November 2023, was refused by notice dated 25 January 2024.
 - The advertisement proposal is for a temporary display of an externally illuminated shroud advertisement.
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Decision

1. The appeal is dismissed.

Main Issue

2. 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.
3. From my reading of the material submitted for the purposes of this appeal the main issue is the effect of the advertisement on public safety as it relates to users of the highway.

Reasons

4. The appeal property is a four storey 19th Century mid terraced building located on the corner of the junction of Stoke Newington Road and Kingsland High Street with Crossway and Shacklewell Lane. The immediate local area of the junction is defined by buildings of similar age to the appeal building, establishing a cohesive streetscape that reflects the general character and appearance of the wider local area.
5. The advertisement would be on an 8.2m x 8.2m externally illuminated banner set into an illuminated printed fabric shroud fixed to scaffolding on the front elevation of the appeal property that would facilitate repair and maintenance works. The proposed advertisement would be positioned centrally, spanning between first and third floor levels. The proposal is that it would be a temporary display until 10 September 2024.

6. The appeal building is located in the Dalston Conservation Area-North (the CA). The significance of this part of the CA rests predominantly in long rows of purpose-built terraces with shops that establish a cohesive and coherent 19th century high street townscape. 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.
7. The council have not raised any concerns in relation to the effect on the character and appearance of the CA, with reference to other nearby appeal decisions and the temporary nature of the proposal. I see no reason to demur from this conclusion.
8. Due to the size and elevated position on the curved corner elevation of the appeal building, the proposed advertisement would be highly visible in street views from around the junction and the approaches to it. In these views the proposed illuminated advertisement would be prominent in the background to traffic and pedestrian lights, which control the safe and effective management of traffic and pedestrians using the junction. As observed on my late morning site visit, the junction appears to be a busy one for both pedestrians and vehicular traffic, including cyclists.
9. The appellant has provided a visual of the proposed advertisement, as it would appear from the approach to the junction from Kingsland High Street. This demonstrates the prominence of the proposal in relation to the junction and traffic control light signals. However, 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 its approaches.
10. Given the visual prominence of the proposed illuminated advertisement and its proximity to the junction, I find that there is insufficient information made available to enable me to be satisfied that the visual effect of the proposed externally illuminated advertisement, as experienced by highway users navigating the junction, would not lead to distraction. Such distraction could result in a reduction in the safety of those users, particularly the more vulnerable road users that use this busy junction.
11. 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, particularly pedestrians and cyclists. Whilst the proposal is that the advertisement would be for a temporary period, the significant harm to the safety of highway users that I have identified would exist during that period.
12. For these reasons, the proposed advertisement would not accord with Policies LP7 and LP43 of the Hackney Local Plan 2033 (2020), Policy T4, of the London Plan (2021) and paragraph 141 and Section 9 of the Planning Policy Framework (2023). Collectively these seek, to ensure that advertisements do not constitute a road safety hazard and are not, therefore, harmful to public safety.

Conclusion

13. The appeal is dismissed.

Victor Callister

INSPECTOR