



Appeal Decision

Site visit made on 25 April 2024 by M Long BA(Hons) MSc MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2024

Appeal Ref: APP/U5360/Z/23/3335993

209 Hoxton Street, Hackney, London N1 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 Lidl GB Limited against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2023/2333.
 - The advertisement proposed is the installation of 3no. fascia signs and 1no. projecting sign.
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Decision

1. The appeal is allowed and express consent is granted for the installation of 3no. fascia signs and 1no. projecting sign 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 and the following additional conditions:
 - 1) The illumination of the advertisements hereby granted consent shall not at any time be intermittent.
 - 2) The intensity of the luminance of the advertisements hereby granted consent shall be no greater than 548 candela per square metre at any time.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The appellant made a separate application to the Council to alter one elevation of the appeal building and this alteration was shown on the plans for the appeal scheme. That application was subsequently refused. The appellant has therefore submitted an amended plan with this appeal to remove those changes from the relevant elevation. This is a minor change to ensure the plan reflects the building as built, and I am satisfied that no party would be prejudiced by my accepting this amendment. I have therefore considered the appeal on the basis of the amended plan.

Main Issue

4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set 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.

5. The Council has concluded that the advertisement would be acceptable in terms of public safety and, from the evidence before me, I have no reason to disagree. Therefore, the main issue is the effect of the proposal on amenity.

Reasons for the Recommendation

6. The site is on Hoxton Street, a busy high street that is generally characterised by ground-floor commercial premises with residential use above. The area is well-lit by streetlights and contains businesses that are open at night. It is within the Hoxton Street Conservation Area (CA) where special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area. The CA has an interesting and varied historic streetscape that is, in part, characterised by its good examples of surviving buildings from the eighteenth and nineteenth centuries, its traditional shopfronts and fine historic grain of narrow building plots.
7. At the appeal site, permission has been granted for a large building with retail floorspace at the ground floor and residential use above. During the site visit, I observed that construction was underway. While the submitted drawings show that the development has some architectural features that relate to the historic character of the area, it nonetheless has a contemporary style with a modern shopfront design.
8. Advertising within the CA is predominantly characterised by small-scale and low-level signage that is associated with the ground-floor businesses. There are numerous examples of fascia and projecting signs in this area which have a variety of designs, materials and colour palettes. A number of the fascia and projecting signs are also illuminated, either internally or with external lighting.
9. The low height and modest scale of the proposed fascia and projecting signs would be in keeping with the general character of advertisements along Hoxton Street. The square shape of the fascia signs, while not a rectangular design to fill the fascia area, would nevertheless limit their overall size and scale on the host building and would not appear cramped in the space available. They would also relate well to the form of the windows below. Accordingly, the scheme would have an appropriate visual relationship with the residential units above and would fit within the broader pattern of low-level signage associated with ground floor shopfronts with residential use above that characterises Hoxton Street.
10. Given the variety of shopfront and signage designs in the local area, the proposed colour palette and materials would not be out of place in this context. As such, there would be no conflict with the Shopfront Design Guide Supplementary Planning Document which sets out that a shopfront should not seek attention or dominate its surroundings unnecessarily.
11. While internally illuminated advertisements may be less prevalent in this part of the CA when compared to its southern end, many of the surrounding signage still have a method of illumination. Furthermore, the host building would have a significantly more contemporary appearance than the surrounding buildings and so its modern shopfronts would be readily distinguished from the more traditional examples in this locality. In this context, the proposed internal illumination, in combination with the modest height, size and scale of the advertisements, would not harm any of the factors that contribute positively to the CA. I am not aware of any similar contemporary developments in this

immediate area and so the appeal scheme would not create a precedent. In any event, each scheme must be considered on its individual merits.

12. The proposal would meet the aims of the CA Appraisal Management Plan (adopted September 2023), which sets out that signage on building elevations should complement the composition of the building and not obscure architectural details. This document also seeks to prevent incongruous projecting signs on historic facades. Given that the host building is contemporary, and the prevalence of existing projecting signs in the area, the proposal would not appear incongruous. There would be no conflict with the aims of the CA Designation Report (1983), which seeks to ensure that efforts to improve economic activity do not result in further erosion of the street's character by unsympathetic development. Consequently, it would preserve the character and appearance of the CA.
13. Concerns have been raised regarding the effect of the proposal on the setting of the Grade II listed buildings at 233 & 235 and 237 & 237a Hoxton Street. These listed buildings are already set within a busy commercial streetscape with various shopfronts that include illuminated and plastic signage. Also, the new development at the appeal site introduces a contemporary design style to the area, which the design of the proposal would respond to. In this context, the proposed scheme would be in keeping with the varied commercial streetscape in which these buildings are already viewed and therefore would not result in harm to their setting.
14. I have taken account of Policies LP1, LP3 and LP7 of the Hackney Local Plan 2033 (adopted July 2020), which together, amongst other things, seek that advertisements respect local character and context and proposals preserve or enhance the character and appearance of the historic environment. Policy HC1 of The London Plan (adopted March 2021) seeks that proposals conserve the significance of heritage assets and Policy D3 seeks that proposals respond to the existing character of a place. All of these are therefore material in this case. Given that I have found that the proposal would not harm the amenity of the area, there would be no conflict with these policies. There would also be no conflict with the Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed.
15. The Council has mentioned conflict with Policy D4 of the London Plan. This policy, however, relates to the design process and scrutiny and it is not clear how it relates to this advertisement appeal. In any event, as I have not identified harm to amenity, there would be no conflict with this policy.

Conditions

16. The five standard conditions as set out in the Regulations will apply.
17. I recommend a condition relating to the nature of the illumination to prevent the signs from being overly distracting to protect amenity.
18. While there are existing illuminated advertisements in the local area, an unduly bright sign could have a significant visual impact that would harm amenity. Therefore, I recommend a condition to limit the illumination of the advertisements to 548 candela per square metre, as proposed. This would sufficiently protect the visual amenity of the area so that a condition to restrict illumination to opening hours would not be necessary.

19. The Council has suggested a condition to limit illumination to 100 candela per square metre during periods of darkness. However, there is no information to indicate whether other illuminated advertisements in this area are dimmed at night. Moreover, this area is well-lit by streetlights and contains businesses that will be open at night. Given that the supermarket is likely to be open during periods of darkness, particularly during the winter, it would not be necessary or reasonable to impose this suggested condition.

Conclusion and Recommendation

20. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to conditions.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is allowed subject to the standard conditions and the additional conditions listed above.

L McKay

INSPECTOR