



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: 8 July 2024

Appeal Ref: APP/E5900/Z/23/3336164

123 Bethnal Green Road, Tower Hamlets, London E2 7DG

- 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 Mr Justin Myres (Blow Up Media UK Ltd) against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/23/02050.
 - The advertisement proposed is a temporary decorative scaffold shroud comprising a 1:1 image of the building façade with an inset advertising and information area measuring 10.5 x 6.3 metres.
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Decision

1. The appeal is dismissed.

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.

Main Issue

3. 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.
4. 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 amenity.

Reasons for the Recommendation

5. The Planning Practice Guidance (PPG) provides that buildings being renovated may be considered suitable as temporary sites for shroud advertisements, however it also requires consideration of the local characteristics of the neighbourhood.
6. 123 Bethnal Green Road is a four-storey, Grade II listed building (as part of a list entry including Nos 123-159), that benefits from large sash windows and decorative brick detailing. Located at the junction with Brick Lane, it is a prominent corner property with ground floor commercial use. The building has a canted corner with the number '123' marked out vertically on the brick across the first, second and third floors. This corner elevation provides a distinctive

focal point within views of the junction, and for those approaching the site from the south-west along Bethnal Green Road or the south along Brick Lane.

7. The site is in the Redchurch 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 Council has also referred to the Brick Lane and Fournier Street CA, however I have no details of its location or relationship to the site. The group of listed buildings is viewed within the setting of, and contribute to, a vibrant commercial streetscene that is characterised by a variety of ground floor businesses with residential use above. In this part of the CA, advertising is mostly low-level and small-scale signage that is associated with the ground floor shopfronts. As signage is generally contained to the ground floor level, it allows for the detailing on the historic façades of the listed buildings, particularly the upper floor windows, to be appreciated.
8. The large size and elevated position of the proposed inset would be out of keeping with the local character of advertising. The scale of the inset would draw the eye and attract a disproportionate amount of attention within the streetscene, which would detract from the setting and appreciation of the listed buildings. The size would appear overwhelming in views taken from within the junction area, as well as in long-range views on the approach to the junction. It would be particularly visible at night due to the external lighting proposed.
9. The positioning of the inset would not be sympathetic to the architecture displayed on the shroud's 1:1 imagery. On the corner elevation, the inset would obscure the number '3' and cut off part of the number '2'. On its own, the number '1' would appear disconnected and would prevent the appreciation of the full number '123', which is significant to the identity of the host building. Furthermore, on the Bethnal Green Road elevation, the decorative shroud would cut off at the top of the second-floor windows and show only the very bottom of the first-floor windows. This design would have an awkward appearance within the streetscene.
10. The decorative shroud would offer modest amenity benefits through the screening of traditional scaffolding materials and by providing a visually interesting design that would enable the continued appreciation of the listed building's façades. Although the inset would cover a relatively small proportion of the total shroud wrap, it would cover a substantial amount of the corner and Bethnal Green Road elevations, which are the most prominent in the busy junction area. Due to road angles and tall surrounding buildings, the 1:1 image that would cover the full Brick Lane elevation would be less visible from the junction. When the combined effect of the proposed elevations is considered, the amenity benefits of the decorative shroud would be modest and would not outweigh the significant harm of the proposed inset. As such, the proposal would harm amenity and would not preserve the character or appearance of the CA.
11. The temporary nature and appearance of the proposal would reduce the resulting harm to amenity; however, this would not sufficiently mitigate the harm that would endure throughout the duration of the display of the advertisement inset. Traditional scaffolding and shroud materials would not be an unusual temporary feature in this popular commercial location and, in this context, would appear less conspicuous than the appeal scheme and result in

less harm to amenity. These matters do not therefore justify the amenity harm that would result from the proposal.

12. I have taken account of Policies D.DH10, S.DH3, D.DH2 and S.DH1 of the Tower Hamlets Local Plan 2031 (adopted January 2020) which, amongst other things, require that advertisements must be well-designed and well-integrated within the public realm, host buildings and the surrounding area; seek that proposals preserve or enhance designated heritage assets and positively respond to the public realm. All are therefore material in this case. As I have found harm to amenity, there would be conflict with these policies.
13. The Council has also referred to Local Plan Policy S.SH1 in its reason for refusal, but I have not been provided with that policy. The officer report refers to S.DH1, which was provided, and I have therefore considered that policy.

Other Matters

14. The appellant has stated that, without the revenue generated from the inset, the restoration works to the listed building would be delayed as there is insufficient money available to pay for the works and the scaffold shroud. However, there is no detailed costs evidence before me to demonstrate that this size and design of inset is necessary to ensure the works could go ahead. Furthermore, I have not been made aware of any listed building consent for the works, therefore I cannot be certain that the benefit of these works would be realised. Moreover, it has not been demonstrated that a commercial inset area of a less harmful design could not be used. Therefore, I give this matter limited weight, which would not outweigh the amenity harm identified above.
15. It has also been stated that the inset would also provide funding for the decorative shroud. However, as mentioned above, when viewed as a whole, the appeal scheme would result in harm to amenity. As such, this matter carries very limited weight, which would not outweigh the identified harm.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's recommendation and I agree with the reasoning set out above. On that basis the appeal is dismissed.

L McKay

INSPECTOR