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## Appeal Decision

Site visit made on 12 June 2024

**by P B Jarvis BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15<sup>th</sup> July 2024**

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**Appeal Ref: APP/U5360/Z/23/3331867**

**1 Broadway Market, London E8 4PH**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
  - The appeal is made by Ms Anna McAree / Build Hollywood Ltd against the decision of the Council of the London Borough of Hackney.
  - The application Ref is 2023/1664.
  - The advertisement is marketing banner 6 x 5 metres.
  - display of one banner advertisement measuring H 4.7m and W 5.6m with base 7m above ground level to the south elevation of the building for the period 20/07/2023 and 20/07/2028.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Council has cited Policies LP3 and LP7 of the Hackney Local Plan LP33 (2020) (HLP) and Policies D1, D3, D8 and HC1 of The London Plan (LP) in its decision notice. However, the control of advertisements is exercisable only with respect to public safety and amenity and consequently, whilst they are material considerations, they are not decisive in the determination of this appeal.

### Main Issue

3. The main issue is the effect on amenity with particular reference to the host building, a Building of Townscape Merit, the Broadway Conservation Area and the living conditions of the occupiers of the adjoining residential unit.

### Reasons

4. The appeal site is located at the southern end of Broadway Market at its junction with Regents Row. It is a distinctive three-storey corner building with parapet roof and brick elevations and comprises the southern end of a terrace that extends northwards facing onto Broadway Market. It is a Building of Townscape Merit as identified in conservation area plan occupying a prominent location at its southern end adjacent to the Regents Canal and bridge over which lies immediately to the south. Broadway Market provides a range of shops, cafes and other commercial premises within predominantly traditional terraced properties of three and four storeys height. The street operates as a

- pedestrianised area with restrictions in place for vehicular access and hosts a street market on some days of the week.
5. The banner advertisement is already installed on the south facing flank elevation of the building on the appeal site. It is positioned at second floor level and extends from the parapet roof edge down to just above the first-floor window. It extends across the width of the southern elevation of the building, completely covering the second-floor window.
  6. The building on the appeal site occupies what can be described as a 'gateway' to the conservation area given its position at its southern end and its highly visible and open corner location in approaches from the south. This is one of the main approaches to the local centre with bus stops located just to the south of the bridge. Whilst it is commercial in nature the existing level of signage is generally low-key consisting predominantly of fascia and other signage at ground floor shopfront level with little at the upper floor levels where the traditional built form and appearance of the terraces is evident.
  7. In contrast, the banner advert occupies an uncharacteristically high position which obscures a large part of the southern elevation of the attractive host building. As such, it is an unduly large and incongruous feature in the street scene which fails to complement the scale and proportions of the host building and the traditional elevations along the local centre.
  8. Furthermore, it completely obscures a window serving the residential accommodation above the ground floor café thus restricting sources of light to and obscuring any outlook from it. Whilst the Appellant suggests that the unit is not currently occupied, it nevertheless results in an unacceptable level of amenity for any future occupants.
  9. The Appellant's statement refers to the banner being required for a twelve month period rather than the original five year period sought. Whilst this is a considerably shorter period and could still provide some support for local businesses as suggested by the Appellant, these factors are not sufficient to outweigh the harm arising.
  10. I find that the sign has a significant and unacceptably harmful effect on the amenity of the area. In addition, it fails to preserve the character and appearance of the conservation area and the Building of Townscape Merit to which it is attached and does not provide an acceptable living environment for prospective occupiers of the upper floor residential unit. This results in conflict with Policies LP3 and LP7 of the Hackney Local Plan LP33 (2020) and Policies D1, D8 and HC1 of The London Plan 2021 (LP) which seek high standards of design that respect local character and historic significance. It also fails to comply with the Framework which seeks to ensure that advertisements are not poorly sited and designed.

### **Conclusion**

11. I therefore conclude that this appeal should be dismissed.

*P B Jarvis*

INSPECTOR