



Appeal Decision

Site visit made on 25 June 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2024

Appeal Ref: APP/U5360/Z/24/3337170

Pavement o/s No. 257a Mare Street, Hackney, London E8 3NU

- 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 Clear Channel UK against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2023/2274.
 - The advertisement proposed is free-standing advertising CIP unit featuring single digital display measuring 1635mm (H) x 924mm (W) with a non-advertising, non-illuminated space on the reverse for Council or community content, to replace existing/recently removed free-standing advertising CIP unit featuring double-sided internally illuminated 6-sheet displays.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of the advertisement in the heading above has been taken from the application and appeal forms. This differs from the description given on the Council's decision notice which refers to double sided internally illuminated displays. However, the appeal proposal features a single advertising display, with the reverse side comprising a non-advertising non-illuminated space, and this is reflected in the heading to this Appeal Decision and my consideration of this appeal.

Main Issues

3. The main issues are the effect of the proposal on:
 - The amenity of the area; and
 - Public safety.

Reasons

Amenity

4. The appeal site is located within a busy commercial area in a streetscape which is primarily of a retail and service character at ground floor level with a mixture of uses above. That said, there are residential uses directly opposite the site across Mare Street, although this does not detract from the wider commercial character.

5. The proposal consists of a free-standing unit set close to the kerb at the edge of the pavement, with an illuminated digital display on 1 side, and a non-illuminated display space on the other.
6. Even within the context of the commercial character of Mare Street, the appeal proposal would introduce a stark and bulky modern feature in a prominent location at the edge of the pavement. The slimmer design compared to similar forms of advertisement would not be sufficient to overcome the harm arising from the prominent location of the proposal and the strident appearance of the digital display. Although there is a degree of clutter along the edge of the pavement, the proposal would be a bulky feature projecting above this and would be an obtrusive feature within this prominent location. There are some street trees in the vicinity of the site, but although they soften views along the street they would provide little screening of the appeal proposal.
7. There are a number of features within the wider streetscape reflective of its character as a commercial area. This includes bus shelters and telephone kiosks, some of which include advertisements. That said, those advertisements I observed in the vicinity of the appeal site were on the opposite side of the road and located near the back edge of the footway, with the exception of a bus stop located near the carriageway commensurate with its function.
8. The appeal site is located within the Mare Street Conservation Area (CA). The CA derives its significance in part from the historic association with the development of the area as well as its architecture. Mare Street itself is a busy thoroughfare with a retail and commercial emphasis, which the CA Appraisal sets out is a major linear urban space and is generally recognised as a key place in Hackney. These factors contribute to the importance of the CA as a designated heritage asset.
9. The appeal site previously contained a free-standing advertisement unit, and the appellant states that this was removed inadvertently due to a contract renewal process. Nevertheless, the previous unit has been removed, and I have therefore determined this appeal on the basis of the circumstances as they currently exist. Furthermore, the evidence suggests that the previous advertisement on the site was put in place prior to the designation of the CA, so that the circumstances of the installation of the previous unit are therefore different from those of the appeal before me. The reasons for the removal of the previous unit and the intentions of the appellant do not lead me to a different conclusion based on the merits of the appeal proposal at this time.
10. Drawing the above together, I conclude that the proposal would result in an obtrusive and overly prominent feature and would introduce clutter to the streetscape, with resultant harm to the amenity of the area. The proposal would also detract from the character and appearance of the CA, which is a matter relevant to the consideration of amenity.
11. I have taken into account Policies D4, D8 and HC1 of the London Plan 2021 and Policies PP1, LP1, LP3 and LP7 of the Hackney Local Plan 2020 which refer to matters including the design of advertisements as well as the effect on the public realm and heritage assets, all of which are relevant to the consideration of amenity. Given that I have concluded that the proposal would harm amenity, the proposal conflicts with these policies.

Public Safety

12. The appeal proposal would be located adjacent to the carriageway, which includes a bus lane and on-street parking. However, the footway is of an appropriate width and the proposal would not reduce this to an extent where pedestrians may be deflected into the carriageway.
13. There are no pedestrian crossings in the immediate vicinity of the site, and it is located a suitable distance away from junctions and other vehicular crossings leading from the carriageway. Therefore, despite its bulk and location adjacent to the carriageway, the proposal would not represent an unacceptable obstruction in visibility for pedestrians, drivers and other highway users.
14. The proposed illuminated digital display would include static images, which would not change more frequently than every 5 seconds. This form of advertisement is not unusual close to highways, and in the context and layout of this part of the streetscape then drivers and other highway users should not be unacceptably distracted by the images. The level of illumination in accordance with appropriate standards can be controlled by condition.
15. I therefore conclude that the proposal would not be harmful to public safety. Insofar as they are relevant to the consideration of public safety, the proposal would therefore not conflict with Policy D8 of the London Plan as well as Policies PP1, LP7, LP41 and LP42 of the Local Plan.

Other Matters

16. The appellant refers to the social and economic benefits of the proposal, including the advertising revenue for the Council, and the potential for Council or community content on the non-illuminated graphic space. However, advertisements are subject to control only in the interests of amenity and public safety, and therefore the benefits referred to cannot be taken into account in my decision. Reference is also made to decluttering resulting from the removal of advertisement units. However, in the vicinity of the appeal site, this has happened in any event. Accordingly, I attach minimal weight to these matters in determining the appeal.

Conclusion

17. Notwithstanding my conclusions in respect of public safety, I have concluded that the proposal would lead to significant harm to the amenity of the area. For the reasons given the appeal should be dismissed.

David Cross

INSPECTOR