



Appeal Decision

Site visit made on 5 June 2024 by N Manley BA (Hons)

Decision by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2024

Appeal Ref: APP/U5360/Z/24/3336382

Pavement o/s 42 Stoke Newington Road, Hackney, London N16 7XJ

- 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 Clear Channel UK against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2023/2155.
 - The advertisement proposed is described as "Proposed Free-Standing Advertising CIP unit featuring double-sided digital displays measuring 1635mm (H) x 924mm (W) 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 allowed and express consent is granted for the "Proposed Free-Standing Advertising CIP unit featuring double-sided digital displays measuring 1635mm (H) x 924mm (W) to replace existing/recently removed Free-Standing Advertising CIP unit featuring double-sided internally illuminated 6-sheet displays" 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 intensity of the luminance of the advertisement hereby granted consent shall be no greater than 300 candela per square metre permitted at night (from dusk until dawn).
 - 2) The advertisement displays shall only display static images and shall not display any moving images, animation, intermittent or full motion video images.
 - 3) No individual advertisement shall be displayed for a duration of less than 10 seconds.

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.

Preliminary Matters

3. The appeal site is situated in the Dalston Conservation Area (DCA). I shall therefore have special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in so far as it relates to amenity.
4. The site address as detailed on the application form has been amended in subsequent documents. The address I have adopted in the banner reflects the

location more precisely. The description of the advertisement on the application referred to the replacement of an “existing / recently removed unit.” For reasons of clarity, at the time of my visit there was no advertisement unit in place and I have considered the appeal on this basis.

Main Issues

5. The main issues are the effects of the proposed advertisement on the amenity of the area and public safety.

Reasons for the Recommendation

The Amenity of the Area

6. As noted in the Dalston Conservation Area Appraisal (2016), the DCA comprises a mid-Victorian to Edwardian shopping street that maintains a linear yet unified character. Predominantly a hub for commerce, it features two, three and four-story terraced buildings. These structures typically host commercial and retail spaces on the ground floor, some boasting intricate architectural embellishments. The appraisal highlights the uniform alignment of terrace buildings in the DCA, noting how they are set closely back from the pavement. Additionally, it recognises the row of terraces east of the site, dating them to the 1860s and noting the distinctive first-floor windows and decorative panels. Despite noting signs of deterioration, the appraisal underscores their significance within the DCA.
7. Insofar as it relates to this appeal, I find the special interest of the DCA is primarily defined in its cohesive streetscape, marked by consistent building heights and layouts, a wealth of well-preserved Victorian architecture, and its historical importance as a bustling commercial centre since the 19th century.
8. The appeal site is situated towards the outer edge of a broad section of pavement outside no. 42 Stoke Newington Road. The road is straight, allowing long views along it to the north or south. The buildings nearby are several storeys in height and form long terraces with ground floor retail or commercial establishments and residential accommodation above. The road is a busy thoroughfare with substantial road traffic and the characteristics expected of an inner urban district. Although pedestrian traffic was light during my visit, the area is a well-established commercial and entertainment district with various retail and leisure establishments nearby, catering for both the day and nighttime economy.
9. The locality features a variety of advertisements, including generic shop signs associated with the surrounding commercial properties and adverts positioned higher up on the sides of nearby buildings. Additionally, several items of street furniture are spaced out along the pavement, such as telephone kiosks, bus stops, refuse bins, and bike racks. Consequently, considering the surrounds, I consider the appeal site to make a neutral contribution to the DCA.
10. The proposed advertisement, due to its scale, size, and appearance, would blend in well with the other nearby street furniture, appearing largely similar in size to the nearby telephone kiosks. Given the existing street furniture placement and the spacing between them, the proposed position of this advertisement would respect the existing layout and would not result in a proliferation of clutter to the street scene, still allowing for a pavement with sufficient width and space.

11. Furthermore, considering the aforementioned points and the proposed positioning of the advertisement towards the outer edge of the pavement, the proposal would not dominate the existing parade of shops. The visibility of the advertisement would be mostly limited to the immediate vicinity of the site, aligning with the commercial nature of the area, with longer views of it broken by other nearby street furniture. Therefore, I am satisfied that the proposal would not appear overly dominant or incongruous and would not harm the special interest of the DCA.
12. Considering the existing activity and surroundings of the site, any potential increase in noise or light pollution is likely to be insignificant. Moreover, there is no substantive evidence that advertisements such as that proposed are a magnet for vandalism and litter.
13. Given the above, I find that the advertisement would cause no harm to the amenity of the area. I have taken into account Policies D3, D4, D8 and HC1 of the London Plan (2021) and Policies PP1, PP2, LP1, LP3 and LP7 of the Hackney Local Development Plan (2020) and the Hackney Public Realm SPD (2012). As the proposed advertisements would cause no harm to the special interest of the DCA or amenity of the area, I find no conflict with these policies.

Public Safety

14. As previously mentioned, the advertisement will be positioned towards the outer edge of the pavement, largely in alignment with the existing street furniture. The modest width of the advertisement compared to the remaining pavement, coupled with its straight layout means I am satisfied the proposal provides ample space for pedestrian activity and other users and will not obstruct pedestrian flow.
15. The council have argued the illumination aspect of the proposal would distract users of the highway and would, due to its positioning and placement, reduce lines of sight and visibility, potentially creating blind spots.
16. The Planning Practice Guidance states that while all advertisements are designed to attract attention, those placed where drivers need to be more cautious—such as at junctions, roundabouts, pedestrian crossings, approaches to low bridges, level crossings, or other areas with traffic hazards—are more likely to impact public safety. It further indicates that road safety problems are less likely if the advertisement is located within a commercial or industrial area, if it is a shop fascia sign, name-board, trade or business sign, or a standard poster panel, and if it is not on the skyline.
17. Whilst the appeal site is close to a junction with Arcola Street, during my observations on site, this appeared to be a relatively quiet side street with few regular traffic movements. Whilst only a snapshot of time, there has been no evidence presented towards me to demonstrate there is sufficient vehicle activity at this junction which would render this proposal as a potential danger to public safety or to emerging buses from the nearby bus stops.
18. Additionally, due to the straight alignment of the road and the 20mph speed limit, any potential obstruction of sight lines caused by the proposal would be limited. Given the commercial character of the street and the presence of numerous nighttime economy establishments in close proximity, the illumination aspect of the advertisement would be an expected characteristic of

a busy commercial area and would not act as a distraction to drivers. In any case, I have not been provided with any substantive evidence demonstrating an advertisement in this area would unacceptably distract drivers or exacerbate the risk to highway users.

19. For the reasons given above, based on the information before me, I find that the proposal would not have an unacceptable impact upon public safety with regards to pedestrian safety or other highway users. I have considered the provisions of the relevant development plans in so far as they are relevant. Since the proposed advertisement would not have an unacceptable impact upon public safety, the scheme would meet the aims of Policy D8 of the London Plan (2021) in addition to policies PP1, LP7, LP41 and LP42 of the Hackney Local Plan (2020).

Other Matters

20. As the power to control advertisements under the regulations may be exercised only in the interests of public safety and amenity, the need for the proposal, its energy provisions, and efficiencies and if there are any associated public benefits are not matters for my consideration.

Conditions

21. In addition to the five standard conditions set out in the Regulations I have also imposed three additional conditions in line with what is proposed and in the interests of ensuring the amenity of the area is not harmed by the advertisement and in the interests of public safety to ensure the proposal would not unreasonably distract the attention of road users. First, I have imposed a condition restricting the brightness of the screen during nighttime hours. Second, I have imposed a condition which requires all displayed images to be static. Finally, I have attached a condition which states a displayed image shall remain on-screen for at least 10 seconds before changing to another.

Conclusion and Recommendation

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

N Manley

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

Mr R Walker

INSPECTOR