



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/23/3335648

Pavement o/s No. 178 Clapton Common, Hackney, London E5 9AQ

- 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 2023/1974.
 - The advertisement proposed is described as a "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 a "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 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. The site address as detailed on the application form has been amended in subsequent documents. The address I have adopted in this banner is one which reflects the location more precisely.

Main Issues

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

Reasons for the Recommendation

Amenity

5. The appeal site is located on a section of pavement outside of no. 178 Clapton Common, close to the junction with the A10 Stamford Hill, a main road into central London and near to several pedestrian crossings. The area is a popular commercial district, lined with ground floor commercial establishments and two storeys of residential accommodation above. The pedestrian traffic and vehicle activity are typical of such a busy route and reflects its nature as a commercial thoroughfare.
6. While the advertisement would be clearly visible, its size and dimensions would fit comfortably into the street scene, appearing as a moderately sized addition to the parade and the broader area and would not appear excessively dominant. When viewed within the context of the three-story buildings and the wide pavement, it would reflect the commercial nature of the area and would be a harmonious addition. In the immediate vicinity of the site, I noticed various pieces of street furniture. These ranged from slender lamp posts and road signs placed with ample spacing to more substantial features like bus stops and phone boxes. The arrangement and distance between these elements contribute to a sense of spaciousness on the pavement around the appeal site. Therefore, adding a single standalone advertisement would not result in unacceptable street clutter.
7. The Council expressed concerns about the potential negative impact of the advertisement's illumination on local amenities, noting the absence of similar illuminated adverts in the vicinity. Although similar illuminated adverts are not present nearby, the proposal will be set against a commercial backdrop and a busy thoroughfare with high levels of vehicular traffic and the associated existing high levels of nighttime illumination be it from existing shop fronts or the lights from passing vehicles. In this context, the advertisement will not harm the area's amenity and the illumination will not appear excessive. Consequently, I have concluded the proposed illumination levels of the advertisement are acceptable.
8. Similarly, considering the busy nature of the appeal site, I have no substantive evidence before me to suggest the proposal would cause noise levels detrimental to the area's amenity. Indeed, taking into the account the surroundings of the appeal site, any potential impact on the noise ambience and amenity would likely be insignificant.
9. Other concerns were raised with regards to a potential increase in vandalism and litter due to the proposed advertisement. The Council have not expressed any concerns with this matter and based on my observations and the evidence at hand, I find no reasons to disagree with their conclusion.
10. For the above reasons, I conclude the advertisement would cause no harm to the amenity of the area. I have taken into account the aims of policies D4 and D8 of the London Plan (2021) and policies PP1, LP1 and LP7 of Hackney's Local

Development Plan (2020). Given that I have concluded the advertisements do not harm amenity, I find no conflict with these policies.

Public Safety

11. The proposal would be sited towards the outer edge of a relatively wide pavement. During my visit, despite observing a steady flow of pedestrians in the vicinity, there was ample space available to each pedestrian. Additionally, the proposal's alignment with the parking bays ensures it would not disrupt the main flow of pedestrian traffic. While I acknowledge this is a brief moment in time, given the modest scale of the proposal, and the combination of the space which would be occupied by the proposed advertisement relative to the generous width of the pavement, I am satisfied it would not obstruct pedestrians.
12. The council has argued that the illumination aspect of the proposal could distract users of the highway, emphasizing its status as a red route. Additionally, they contend that due to its positioning and placement, the advertisement could reduce lines of sight and visibility, potentially creating blind spots. The Council advise that there are records of incidents nearby. However, the absence of precise details of the number or nature of those accidents limits the weight I attach to this.
13. 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.
14. While I recognize the appeal site's proximity to pedestrian crossings and road junctions, the advertisement and its illumination, given its modest size relative to its surroundings, would not appear unusual in nature or large enough to distract passing highway users, especially considering its location within a busy commercial district in London. Additionally, the 20 mph speed limit and the context of the surrounding townscape and commercial character would ensure that any changing images from the advertisement would not distract highway users and that the advert would not seem out of place. Overall, no compelling evidence has been presented to show that the digital displays at this site would unacceptably distract drivers or increase the risk to highway users.
15. Furthermore, the wide pavements and the curved layout of the junction to the north, along with unobstructed views to the east and west, combined with the proposal's modest size, would guarantee ample visibility and clear lines of sight for highway users. The proposal would obscure a small section of the pavement behind the advertisement for motorists travelling easterly. However, given the width of the road, and proximity to the pedestrian crossing I find it highly unlikely that pedestrians would step out unexpectedly onto the carriageway to cross. These factors, along with the area's low speed limit, lead me to conclude that the scheme would not compromise highway or pedestrian safety.
16. Concerns about a potential increase in crime due to the proposed advertisement were raised. However, the Council has not expressed any

concerns, and based on my observations and the evidence, I find no reason to disagree with their conclusion.

17. 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. 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) and policies PP1, LP7, LP41 and LP42 of the Hackney Local Plan (2020).

Other Matters

18. 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 or its energy provisions and efficiencies are not matters for my consideration.

Conditions

19. 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

20. 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

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

Mr R Walker

INSPECTOR