



Appeal Decision

Site visit made on 9 July 2024

by Joanna Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2024.

Appeal Ref: APP/U5360/Z/24/3340355

Outside No. 250 - 256 Kingsland Road, Hackney E8 4EF.

- 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 Mrs Adele Grogan on behalf of Clear Channel UK against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2023/2398.
 - The advertisement proposed is described as "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 Free-Standing Advertising CIP unit featuring double-sided digital displays outside No. 250 - 256 Kingsland Road, Hackney E8 4EF in accordance with the terms of the application, Ref 2023/2398, dated 13 October 2023. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the following two conditions:-
 - 1) The intensity of the illumination of the two digital display screens shall not exceed 300 candelas per square metre (cd/m²) between dusk and dawn in line with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements' (or its equivalent in a replacement guide).
 - 2) The digital display screens shall not display any moving or apparently moving or audible images, including animation, flashing, scrolling three dimensional, intermittent or video elements. The minimum display time for each piece of content on the digital display screens shall be 10 seconds and the rate of change shall be instantaneous and the display screens will include a mechanism to freeze the image in the event of a malfunction.

Procedural Matters

2. The description of development in the banner heading is taken from the application form, but I have used the description of development from the Council's decision notice in my formal decision as it better describes the proposed advertisement.

3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), paragraph 141 of the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) all confirm that advertisements should be subject to control in the interests of amenity and public safety. PPG paragraph 18b-079-20140306 confirms that amenity is not defined exhaustively in the Regulations. It includes aural and visual amenity (Regulation 2(1)) and that factors relevant to amenity include the locality's general characteristics, including the presence of any feature of historic, architectural, cultural or similar interest (Regulation 3(2)(a)).
4. The description of development on the application form refers to the replacement of an existing/recently removed free-standing advertisement unit. When visiting the site, there was no advertising unit in situ and I have considered the appeal on that basis.

Main Issues

5. The main issues in this appeal are the effect of the proposed advertisement on a) visual amenity of the area, including the Kingsland Road Conservation Area, the Regent's Canal Conservation Area and the locally listed building at 293 - 295 Kingsland Road; and b) public safety.

Reasons

Visual amenity

6. The site lies within Kingsland Road Conservation Area (KRCA) and close to Regent's Canal Conservation Area (RCCA), with the boundary running along Kingsland Road. The Kingsland Road Conservation Area Appraisal (January 1998) confirms that its significance stems from its distinct history and the 'spinal' quality of its long, straight, linear form centred around the former Roman road of Ermine Street. The KRCA contains a mix of uses, with buildings of varied designs, ages and materials. The RCCA's significance is characterised by its industrial heritage, comprising the canal, its basins and surviving 19th and early 20th century canalside wharves and warehouse buildings.
7. The character of the relevant part of the KRCA is typified by rather utilitarian, commercial post-war buildings on large footprints, with a somewhat disjointed townscape. Notwithstanding the remnants of late 18th and early 19th century buildings, the 20th century saw the building of numerous three to five-storey buildings, including three-storey 250 - 256 Kingsland Road. A modern mixed-use six-storey building is located adjacent to the site at 242 Kingsland Road, while other six to seven-storey modern development is located on the western side of Kingsland Road within the RCCA. A rare survivor and the only exception to the taller built form in this section of the street is 293 - 295 Kingsland Road, a two-storey late 19th century locally listed building, with arched windows and brick detailing. Nearby Kingsland Road Bridge is also locally listed.
8. Located on the pavement outside 250 - 256 Kingsland Road and within the Kingsland Priority Office Zone, the site is north of Kingsland Road Bridge and Dunston Road. Though presently pavement, the site was previously occupied by a free-standing advertisement unit. Adjoining the road, there is a lamppost, several street trees, and signposts. Further away from the road, a telephone box lies in front of Nos 250 - 256. Long views are possible down the street to both the north and south. The proposed advertisement would introduce an

approximately 2.6 metre high by just over one metre wide rectangular double-sided digital display unit on the pavement edge. The display would be static, but would change advertisements sequentially every 10 seconds.

9. While the proposed advertisement is viewed as a retrograde step by interested parties and the KRCA Advisory Committee, Kingsland Road is a busy, commercial transport corridor. Though there are no other nearby examples of the proposed development, some of the nearby buildings have illuminated and non-illuminated fascia and projecting signs, and bus stops with advertising displays, lampposts, road signage, and telephone boxes are commonly found along Kingsland Road. As such, and having considered its scale, siting, appearance, and existing street furniture, the proposed advertisement would not be obtrusive or give rise to visual clutter and proliferation of advertising.
10. Having viewed the location of street lighting along Kingsland Road and noting the busy nature of the transport corridor, there would be other forms of lighting present in the area at night and therefore the introduction of an illuminated advertisement would not be incongruous or intrusive to nearby occupiers or the character and appearance of the area. The appellant has confirmed that the proposed development's illumination would be dependent on ambient light levels and would be maintained via the display's control unit at a relatively low level at night. However, I have applied a condition to require that the illumination be no more than 300cd/m² to ensure that there is no undue impact on amenity or public safety from lighting.
11. The Council's conservation officer has concerns about the visually detracting effect of the proposed advertisement in the foreground of views south down Kingsland Road towards the complex of listed buildings at the Church of St Columba and other nearby listed buildings. However, the intervisibility between the site and these listed buildings is very limited due to the intervening distance. As such, it would not be visually intrusive or incongruous within the setting of these listed buildings. Furthermore, views of the proposed advertisement would be mostly limited to the site's immediate vicinity, with longer views of it broken by other nearby street furniture and buildings. I am therefore satisfied that the proposed advertisement would not be obtrusive and would not harm the special interest of the KRCA, the adjoining RCCA, or the locally listed building at 293 – 295 Kingsland Road.
12. The appellant has identified public benefits in terms of advertising revenue to the Council; a reduction in the number of advertising display units borough-wide; space for Council or community content; and use of the units for Council messages. However, notwithstanding reference to the Bramshill judgment (C1/2020/0160), as I have not found the proposed advertisement to be harmful, it is not necessary for me to consider the public benefits.
13. I conclude that the proposed advertisement would have an acceptable effect on the visual amenity of the area, including the KRCA, the RCCA and the locally listed building at 293 - 295 Kingsland Road. The Council has referred to London Plan 2021 Policies D8 and HC1 and Hackney Local Plan 2033 (Adopted July 2020) (Local Plan) Policies PP1, LP1, LP2, LP3, and LP7, as they deal with the public realm, amenity, advertisements, design quality, and the effect of development on character, appearance and heritage.
14. Powers under the Regulations require decisions to be made only in the interest of amenity and public safety, taking account of any material factors. I have

therefore taken the aforementioned policies into account insofar as they are relevant to those matters as a material consideration, but they are not a determining factor in this case which I have considered in the light of the Regulations. The proposed advertisement would also be compliant with paragraph 141 of the Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed and Chapter 16 of the Framework on conserving and enhancing the historic environment. I have also had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which asserts that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

b) Public safety

15. This part of Kingsland Road (A10) is a relatively wide two-way road of a generally straight north-south alignment, with a speed limit of 20 miles per hour. It is a busy road with a number of bus routes. The nearest traffic signals lie some 55 metres to the south. Adjacent to the site on the roadway is an area designated for on-street parking and loading bays. South of the site and beyond an existing lamppost, there is a vehicular access serving a small parking area for 242 Kingsland Road, a building on the corner of Kingsland Road and neighbouring Dunston Road. Along the section of Kingsland Road between Dunston Street and Dunston Road, the pavement is relatively wide, with a lamppost, posts for highway signage, street trees, and a telephone box.
16. The proposed advertisement would be sited at the outer edge of the wide pavement. It would align with the street furniture adjoining the road. Given the proposed advertisement's relatively narrow width and the pavement's generous width, there would remain sufficient space for pedestrians to move up and down the pavement comfortably, even if they were disabled, had luggage, or pushchairs. In this regard, I find that the proposed advertisement would be consistent with the standards and guidance set out in Transport for London's Streetscape Guidance (4th edition, 2022, Revision 2) and the Pedestrian Comfort Guidance for London (First edition, 2010). Additionally, in respect of reducing any negative effect on visually impaired people, the proposed advertisement also accords with A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure (December 2021) in respect of its colour and design. The proposed advertisement would not therefore intrude on pedestrian movement.
17. In terms of pedestrians and vehicles seeking to cross the vehicular access serving the small parking area, I saw on site the distance between the proposed development and the nearest edge of the vehicular access. Given the distance and siting of the proposed advertisement, I find that pedestrians' view of vehicles turning into the small car park would not be obscured by the proposed advertisement. Furthermore, given the line of sight northwards and the low speed limit, vehicles turning out of the small car park would not have detrimentally reduced sightlines or blind spots turning either left or right onto Kingsland Road. Indeed, not only has Transport for London not raised a strategic transport objection, but the previous larger advertising unit was sited in a similar location from 2014 onwards. In that time period, no serious incidents were reported, as per Crashmap data.

18. Given the range of advertisements and signage present along Kingsland Road and within the wider busy urban area and having had regard to the PPG¹ and a recent appeal decisions², I consider it would not be unexpected to have an illuminated advertisement display at the roadside. Having borne in mind the area's generally commercial character, it would not represent a distraction to either pedestrians or drivers.
19. I conclude that the proposed advertisement would have an acceptable impact on public safety. I have considered the provisions of the development plan insofar as its policies are relevant. The proposed advertisement would meet the aims of London Plan Policy D8 and Local Plan Policies PP1, LP7, LP41 and LP42, which deal with the public realm, advertisements, liveable neighbourhoods, and walking and cycling.

Other matters

20. Concerns have been raised by interested parties about people hiding behind the proposed advertisement; the use of electricity; vandalism and rubbish being attracted to the area; a general decline in the quality of the public realm; and the fans within the unit creating a noise disturbance. In the absence of detailed evidence on these matters and given the busy and well-trafficked nature of the location, none of these matters would alter my decision.
21. Other applications were submitted by the appellant elsewhere in the borough, some of which were subsequently appealed and dismissed. However, it is necessary for me to determine this appeal on its own merits.

Conditions

22. In addition to the five standard conditions set out in the Regulations, I have imposed two conditions on illumination and on the duration, type and transition between displayed images to maintain the area's amenity and public safety.
23. The Council suggested further conditions about installation, but these appear to pertain to telephone boxes and therefore are not relevant or necessary. A further suggested informative about consultation with Transport for London in the case of any alteration of the size of the proposed advertisement was not applied as it did not meet the tests for conditions in terms of necessity.

Conclusion

24. For the reasons given above, the appeal should be allowed.

Joanna Gilbert

INSPECTOR

¹ Paragraph 18b-067-20140306: In what locations are advertisements more likely to affect public safety on the roads?

² APP/Z0116/Z/22/3309965 and three linked appeals 3309968, 3309971 and 3309972, decisions issued 24 August 2023.