



Appeal Decision

Site visit made on 19 July 2024

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2024

Appeal Ref: APP/U5360/Z/24/3340937

231 Kingsland Road, Hackney, London E2 8AN

- 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 2023/2399 dated 13 October 2023, was refused by notice dated 22 January 2024.
 - The advertisement proposed is 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 dismissed.

Preliminary Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require decisions to be made only in the interests of amenity and public safety. Factors relevant to amenity are stated by the Regulations to include the general characteristics of the locality, including features of historic or architectural interest.
3. The address in the banner heading differs from that within the original planning application form submitted to the Council by the appellant, and is taken from the Council's decision notice. I consider it accurately reflects the location of the site in question.
4. The site is located within the Kingsland Road Conservation Area (CA). Therefore, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act.

Main Issues

5. The main issues are whether the proposed advert would preserve or enhance the character or appearance of the Kingsland Road Conservation Area, and the effect on public safety.

Reasons - Amenity

6. The Kingsland Road CA is a long corridor that extends from the junction of Old Street to Dalston Junction. Societal changes of the late 19th century gave rise to extensive clearance within the local area with new housing spanning along

Kingsland Road in the mid-1920's; Whitmore House one such example of purpose-built and improved housing conditions. The character of the CA consists of a tight urban grain of residential streets and housing estates with commercial units flanking Kingsland Road. The eclectic mix of building variety extends to converted warehousing and other landmark buildings including the impressive Grade I listed Church of St Columba and vicarage, and most built from a consistent red or yellow brick finish. The wide road, green spaces and differing architectural styles as built-form, despite more modern late 20th Century developments, contributes positively to the character of the CA, and creates a notable sense of place.

7. The appeal site is located approximately outside Number 231 Kingsland Road. Retail and other commercial units flank both sides of the pavement and two public telephone boxes, cycle hoops and some other street effects are present to this side. I understand from the evidence presented that an advertising display of the free-standing unit (FSU) CIP variety was previously in place approximately where this advert would be sited, since around 1997. At the time of my visit it had been removed by its operator and there is no evidence on the ground of its placement. Whilst the evidence provided demonstrates the unit was in place, nevertheless, this was approved some time ago and under a different local plan. I am not aware of the position of the council at the time and the reasons behind its approval at that time. I am therefore required to determine this appeal based on the current local plan and any other guidance provided to me, as well as my assessment on the ground.
8. Broadly speaking, adverts are a commonality within any commercial street scene, but I could see that save for adverts attached to the commercial premises and a high level 48 sheet advert, and I note the integral display that forms a component part of a bus shelter, the area was largely free from substantial advertising clutter.
9. The proposal given its bulk and scale and free-standing nature located within a pavement area set away from the fronts of the shop units and to the edge of the pavement in a very visually exposed position, would appear as a bulky digital display feature here. There is typical street furniture and kiosks close by. These are common street effects that have become absorbed into the public realm. This advert would be larger than the existing street effects of telephone kiosks, waste bin and cycle hoops that it would be closely associated with and does not compare to. It would not successfully integrate as an advertisement in this context. Nor does it adequately compare to the advertisement within the bus shelter that is some distance away from the site and a component part of the bus shelter.
10. Even with the use of smart technology to control its lighting levels, an internally illuminated and bright advertising display of a sizable unit, double sided with sequentially changing content, would appear as a visually discordant feature in this location. It would also be seen in the context of the backdrop of Whitmore House, that despite the modern shopfronts, contributes positively to the character and appearance of the CA. This proposed advert would not respond to local distinctiveness that forms part of its special architectural and historic interest and therefore significantly at odds with the character of the locality. It would therefore not preserve or enhance the character or appearance of the CA.

11. There is no substantive evidence before me to demonstrate that this free-standing CIP advert would aid the consolidation of other advert displays as a whole across the Borough. Whilst it could display local, public, corporate and emergency information, this would not convince me in favour of the advert. It would generate revenue to the Borough. However, this does not form part of my overall consideration of the proposal. Other examples of appeal decisions brought to my attention by the appellant that relate to amenity are within different Borough's, and as with the other approvals cited by the appellant, there is insufficient information before me to adequately compare like for like.
12. To conclude on this main issue, the proposal would result in harm to the character and appearance of the Conservation Area. The Council have drawn my attention to policies PP1, LP1, LP3 and LP7 of Hackney's Local Development Plan 2020 and policy D4, D8 and HC1 of the London Plan. I find that the proposal would conflict with these policies insofar as they relate to amenity only.

Public safety

13. The proposed display would be positioned within a wide pavement. Whilst standing in approximately the position where the advert would be placed, I could see that pedestrians could easily pass one another without the display causing an impediment. Nor would it cause an obstruction to wheelchair users and people with prams and the like passing side by side, opposite one another.
14. It would be positioned close to the main road in view of passing motorists in both directions. Its scale and method of illumination with changing display content would inevitably draw the eye of the passing motorists or cyclist. However, speeds along this part of the road are low and the use of traffic lights controls vehicular movement. Also, the road outside the site is straight along this part. Indeed, a light controlled pedestrian crossing is located down from the proposed location of the display. Overall, I find no reason to be convinced that it would lead to blocking lines of sight of pedestrians from the motorists therefore creating a hazardous blind spot, leading to public safety concerns.
15. On the basis that public safety would be safeguarded, the proposal would accord with the broad public safety objectives of Policy LP7 of Hackney's Local Plan. I find no direct relevance to Policies PP1, LP41, and LP42 of Hackney's Local Plan or Policy D8 of the London Plan as they do not relate to public safety in this regard.

Balance and Conclusion

16. Bringing all matters together, although I have found no harm to public safety, I attach considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the CA. This proposal would fail to preserve or enhance the character or appearance of the CA and therefore I attach more weight to this effect. The appeal is dismissed.

Alison Scott

INSPECTOR

