



Appeal Decision

Site visit made on 6 August 2024

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2024

Appeal Ref: APP/U5360/Z/24/3338113

Pavement O/S 102-110 Mare Street, London E8 3SJ

- 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 (Clear Channel UK) against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2023/2273.
 - The advertisement proposed is a free-standing advertising CIP unit featuring double-sided digital displays measuring 1635mm (H) x 924mm (W).
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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 measuring 1635mm (H) x 924mm (W) at Pavement O/S 102-110 Mare Street, London E8 3SJ in accordance with the terms of the application Ref 2023/2273. 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 advertisements 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.

Preliminary Matters

2. The Regulations regarding advertisements stipulate that control may only be exercised in the interests of 'amenity' and 'public safety'. The development plan policies and guidance referred to by the Council are therefore not determinative, but I have taken these into account as a material consideration.
3. The description of development on the application form refers to the replacement of an existing/recently removed free-standing advertisement unit. For clarity, when visiting the site there was no advertising unit in situ.

Main Issues

4. The main issues are the effect of the advertisement unit on i) visual amenity, with regard to the Mare Street Conservation Area and other nearby heritage assets; and ii) public safety.

Reasons

Visual amenity

5. The appeal site is part of the pavement on the east side of Mare Street and lies within the Mare Street Conservation Area (the CA). Mare Street is a key historical route in Hackney containing a number of commercial and residential properties of various building styles, heights, sizes, and age. This gives the CA a varied character. The area in the vicinity of the appeal site is characterised by mainly modern, mixed-use, five/six-storey buildings, including Nos 102-110. A rare exception to this is the 19th century Martello Hall public house at the corner of Mare Street and Warburton Road, which has maintained its historic facade and is identified as a locally listed building. Further to the south-west, just north of the junction with Westgate Street, is a late 19th century granite trough which is grade II listed.
6. The Mare Street Conservation Area Appraisal identifies that one of the threats to the historic character of the area is a cluttered streetscape caused by crude signage and street furniture. In this case, the area of pavement where the advertisement unit would be located is wide and the existing items of street furniture, including litter bins, bicycle racks, and streetlamps are not excessive and are neatly arranged towards the edge of the pavement. Whilst the proposed advertisement unit would, by definition, increase the amount of street furniture in this location, it would have a slender profile and would be appropriately aligned and spaced with the existing items of street furniture. As such, it would not alone or in combination with existing structures result in a perception of clutter.
7. The proposed advertisement unit and its digital display screens would be clearly visible within Mare Street. Nevertheless, this would be within the context of a busy and well-lit urban environment. It would mainly be seen against the backdrop of tall modern buildings containing commercial units at ground floor level and also shares some similarities with the internally illuminated advertisements found on bus shelters in the area, which did not look out of place or unsympathetic. Given its specific size and siting, together with controls which could be put in place over the level of illumination and the speed and frequency of image transitions on the display screens, the proposal would not be an unduly obtrusive element in the streetscene. For the same reasons, it would not have a harmful effect on the setting and interest of the nearby grade II listed and locally listed buildings.
8. Reference has been made to various Council and appeal decisions relating to similar types of advertisements. However, these are all in different locations with their own specific contexts and circumstances, so have little bearing on my assessment of this appeal.
9. I therefore conclude that the proposed advertisement unit could be assimilated into this street scene without causing material harm to the visual amenity of the area, including the CA and the setting and interest of the nearby grade II listed and locally listed buildings. As such, the proposal also complies with the design, public realm, advertisement, and historic environment protection objectives of Policies D3, D4, D8, and HC1 of the London Plan 2021 (the LP); Policies PP1, PP2, LP1, LP3, and LP7 of the Hackney Local Plan 2020 (the HLP); and the Hackney Public Realm SPD.

Public safety

10. As set out above, the proposed advertisement unit would be sited at the edge of a wide section of the pavement and in line with the existing street furniture. This would result in a footway width of approximately 5.1m at this point, comfortably exceeding Transport for London's Streetscape Guidance. Thus, even if pedestrian flow is high in this location, the size and siting of the advertisement unit is such that it would not unduly obstruct or impede the free flow and intervisibility of pedestrians along the main clear part of the pavement.
11. The nature of a digital screen has the potential to grab the attention of approaching drivers, and there may be occasions when more than one image is experienced in sequence. However, the curvature of the road and central landscaped reservation means that the advertisements would mainly be visible in the approach from the north. This approach is relatively straight, without traffic signals, does not require any complex manoeuvres, and is subject to a 20mph speed limit. Moreover, the display screen would not be a particularly large feature, being primarily aimed at a pedestrian audience. As such, and mindful of restrictions that could be placed on the brightness, timing, and transition of images, I do not consider that the proposed advertisement unit would be so distracting that it would constitute a hazard to road users in this instance.
12. In terms of highway users joining Mare Street from Tudor Road, the information before me indicates that the siting of the proposal was agreed on site with the Council's Highways officer who suggested that it be moved 14m further south than the previous free-standing unit to improve sightlines. Based on my own observations, and given the slow traffic speed, I can see no reason why the proposal would be an impediment to southern visibility at the junction.
13. For all these reasons, I am satisfied that the proposed advertisement unit would not have an unacceptable impact on public safety, and so, also complies with the public and highway safety aims of LP Policy D8; and HLP Policies PP1, LP7, LP41, and LP42.

Conditions

14. In addition to the five standard conditions set out in the Regulations, I have imposed conditions on illumination and on the duration, type, and transition between displayed images in line with what is proposed and to maintain the area's amenity and public safety.

Conclusion

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

A Caines

INSPECTOR