



Appeal Decision

Site visit made on 16 August 2024

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2024

Appeal Ref: APP/U5360/Z/24/3343359

Pavement o/s 37-47 Stoke Newington Road, London N16 8BJ

- 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 2023/2400.
 - 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 dismissed

Procedural Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that applications for the display of advertisements are considered in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.
3. As the appeal site is situated within the Dalston Conservation Area the statutory duty under Section s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies in so far as it relates to the consideration of amenity.
4. The Council has referred to development plan policies contained within the London Plan (2021) and Hackney Local Plan 2033 (2020) (HLP). HLP Policy LP7, Advertisements, is material in this case. It states that advertisements must not, amongst other things, contribute to an unsightly proliferation or clutter of signage in the local area, detract from the amenity of the street scene, cause a physical obstruction to the public realm, or cause visual intrusion by virtue of light pollution. I also note HLP Policy PP1 states that development should create wide, clear and level pavements and avoid unnecessary clutter.
5. The description of the advertisement proposed given on the application form refers to the replacement of an "existing/recently removed" free-standing advertisement unit. At the time of my visit an existing unit did not remain in place.

Main Issues

6. The main issues are the effects of the proposed advertisement on visual amenity and public safety.

Reasons

Background

7. The proposed advertisement would comprise a free-standing Council Information Panel (CIP) unit which would be about 2.6m high, by 1.1m wide, and have a depth of about 0.2m. It would have approximately 1.6m high by 0.9m wide digital display panels on both sides with an illuminance level of 3500cd/m². The unit would be constructed of a dark grey metal. In addition to displaying advertising the appellant advises that the unit would display Council corporate messages (10% minimum), as well as Council and other emergency messages from time to time.
8. The proposal would be located in a position previously occupied by a slightly larger double-sided internally illuminated advertising structure. Whilst this previous structure is noted, it does not form a fall-back position as there is no longer an existing structure that could be retained if this appeal is dismissed. The effects of the proposal therefore need to be assessed against the situation that exists today, namely a section of pavement that is without an advertising structure.

Visual Amenity

9. The appeal proposal would occupy an area of pavement on the western side of Stoke Newington Road in front of a 7-storey mixed use building with a food store on the ground floor. Stoke Newington Road is a busy, commercial street that forms part of the Dalston Conservation Area (CA), which is notable for the surviving residential and commercial Victorian and Edwardian terraces. Whilst there are cycle stands, a lamp post and street signage close to the appeal site these are relatively inconsequential elements in the street scene.
10. I note that the proposal would be viewed against the backdrop of a substantial building. However, in views looking along the pavement it would be a noticeably wider and bulkier element than existing street furniture in the area. In addition, due to the method of illumination, it would be a garish and incongruous element in this street environment. For these reasons the proposal would fail to preserve the character and appearance of the CA and would severely harm visual amenity. I have taken into account the policies identified above which are material to this case. Given I have concluded that the proposal would harm amenity and fail to preserve the character and appearance of the CA, it would therefore conflict with these policies.

Public Safety

11. Due to its size, siting and level of illumination the proposal would be highly conspicuous to road users. However, the road is straight, there are few other distractions and traffic speeds are restricted. For these reasons I am satisfied that the level of distraction resulting from the proposal would not cause harm to the safety of vehicular road users.

12. However, the proposal would be situated outside a busy food store in an area of pavement that is not particularly wide. It would reduce the space available to pedestrians passing along this portion of the pavement to a degree that would lead to unacceptable harm to public safety. I have taken into account the planning policies cited by the Council that are material to this issue. Given I have concluded that the proposal would harm highway safety, it follows that it conflicts with these policies.

Other Matters

13. The appellant has referred to various social and economic benefits that may arise from the installation of the proposed advertisement, including additional revenue for the Council and the provision of an on-street public communications service. However, the Regulations stipulate that advertisements are subject to control only in the interests of amenity and public safety. Accordingly, I attach minimal weight to these matters.
14. The appellant has provided information on some of the many instances of advertisement consent being granted for double-sided freestanding advertising panels throughout London. This is noted. However, each application and appeal must be considered on its individual merits having regard to the particular characteristics of a site's context. As such I attribute limited weight to the information provided.

Conclusion

15. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR