

Appeal Decision

Site visit made on 3 September 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th September 2024

Appeal Ref: APP/Y5420/Z/24/3339791

74 White Hart Lane, Tottenham, London N17 8HP

- 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 Mr Ahmet Erturk against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2023/3002.
 - The advertisement proposed is replacement of an existing 48-sheet advertisement display with an illuminated 48-sheet digital advertisement display.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has drawn my attention to Development Plan policies it considers relevant to this appeal, and I have taken them into account where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterate this approach.

Main Issue

3. The Council has no objection to the proposal on the grounds of public safety. From the evidence before me, and from my observations, I have no reason to disagree with the Council on these matters.
4. Therefore, the main issue is the effect of the advertisement on the amenity of the area with particular regard to visual amenity.

Reasons

5. The appeal site comprises a prominent flank wall to a two-storey property, in an area characterised by commercial, retail and residential uses. There is currently an existing 48 sheet poster display measuring approximately six metres by three metres at first floor level, which has been in situ for over ten

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

years. The site is particularly visible when heading along White Hart Lane from the railway bridge in a westerly direction. There are examples of advertisements in the area, including non-illuminated hoardings under the railway bridge and near the site, as well as other non-illuminated fascia advertisements for the retail and commercial premises.

6. The proposal would replace the hoarding, which is not illuminated, with a digital poster of a similar size and shape. I note the light diagram however, as a result of its illumination, images on the hoarding would be brighter and sharper than those on the existing advertisement, particularly during the hours of darkness when it would become a dominant feature in an area where such advertisement material is not prevalent. The intermittent changing of the illuminated display would significantly attract attention, further accentuating its visual prominence and harmful effect on the amenity of the area. Accordingly, it would be even more dominant in the street scene than the existing hoarding. I consider that this would be an intrusive and discordant feature within the streetscene. The reduction in the levels of illumination at night, and the level of illumination according with best practice does not alter my findings in this regard.
7. There is residential accommodation on the opposite side of White Hart Lane above the Railway Inn and on the junction with Penshurst Road. The flats would not be directly facing the advertisement due to the angle at which the advertisement would be displayed. Nevertheless, the illuminated nature of the proposal and the changing intermittent displays would nonetheless introduce oppressive features that would be prominently visible whilst within the flats. Even if a condition was attached to a consent limiting the night-time brightness of the advertisement, the changing of illuminated images would cause harm to the residential amenity of the occupiers.
8. I acknowledge that the proposal would only be seen from one direction, however this does not outweigh the significant harm that would result. The appellant also argues a range of benefits to the proposal, such as the reduction in waste from printed posters, travel to advertisement sites, increase in rent of the site and using the advertisement for charitable campaigns, public art and emergency messaging. However, whilst I acknowledge these benefits, they do not weigh in favour of the proposal because the powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety.
9. My attention has been drawn to several decisions for advertisements both in Haringey and other locations. I do not have the full information for each advertisement before me and therefore cannot be certain that the advertisements are directly comparable to the appeal proposal. In any event, I have determined this appeal on its own merits based on the site-specific circumstances of the case.
10. Therefore, for these reasons I conclude the proposal would cause significant harm to the visual amenity of the area. Consequently, the proposal conflicts with Policy DM3 of the Haringey Development Management Development Plan Document (2017) (DPD) and Policy D8 of the London Plan (2021) which, although not decisive, together seek to ensure proposals have regard to and respect the character of the area.

11. The Council referred to Policy SP12 of the Haringey Local Plan (2017), Policy DM9 of the DPD and Policy HC1 of the London Plan in the reason for refusal. As the site is not within or adjacent to a Conservation Area, I do not consider these policies relevant to the appeal and have not therefore had regard to them in my decision. In addition, Policy DM8 of the DPD refers to shopfronts and although the proposal is for an advertisement on the side of a building in use as a shop, the policy is not relevant to the determination of the appeal.

Conclusion

12. For the reasons given above the appeal should be dismissed.

H Senior

INSPECTOR