



Appeal Decision

Site visit made on 19 September 2024 by N Unwin BSc (hons) MSc MRTPI

Decision by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2024

Appeal Ref: APP/U5360/Z/24/3336761

Pavement o/s No.370 Kingsland Road, Hackney, London E8 4DA

- 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 2023/2145.
 - The advertisement proposed is described as '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.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The address used within the heading above has been taken from the appeal form and decision notice as this is the most accurate representation of the address.
4. The Council has cited conflict with Policies D4, D8, HC1, and T4 of the London Plan (2021) (LP), and Policies PP1, LP1, LP3, LP4, LP7, LP41, and LP42 of the Hackney Local Plan 2033 (adopted 2020) (HLP). The powers to control advertisements under the relevant regulations may be exercised only in the interests of amenity and public safety. Consequently, I have taken into account these policies, so far as they are relevant, in accordance with the regulations.

Main Issues

5. The main issues are the effect of the advertisement on:
 - amenity, with specific regard to the character and appearance of the Kingsland Road Conservation Area and street scene; and
 - public safety, with specific regard to the safe use of the highway.

Reasons for the Recommendation

Amenity

6. The appeal site is located in a prominent location on the Kingsland Road, near the junction with Middleton Road and St Peter's Way. The proposal would be located on a section of pavement adjoining 362-368 Kingsland Road Grade II listed buildings and the locally listed Fox Inn (the listed and locally listed buildings), within the Kingsland Road Conservation Area (CA).
7. In accordance with s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of a CA. Kingsland Road forms the central spine of the CA, the character of which varies along its length. Insofar as it relates to this appeal, the significance of the CA is primarily derived from the presence of a range of traditional buildings fronting on to the road and its historic role as a wide thoroughfare.
8. Whilst the statutory duty to have special regard to preserving a listed building or its setting does not apply to applications for advertisement consent, the listed buildings clearly contribute to the character of the area. Furthermore, the Planning Practice Guidance advises that, in assessing amenity, the local planning authority should consider whether the advertisement is in scale and in keeping with locally important scenic, historic, architectural or cultural features. Here, the listed and locally listed buildings project forward of the adjacent crescent building line. Consequently, these act as a bookend in the streetscene, having a notable presence at the Middleton Road/St Peter's Way junction.
9. Although narrower than the previously removed advert, the proposal would appear as a sizeable addition to the pavement, in an area that already appears somewhat cluttered as a result of two bicycle stands, a kiosk and road signage. As such the proposal would add to the street clutter in a prominent location, close to the junction. The prominence of the proposal would be particularly evident when travelling along Kingsland Road due to the proposed orientation of the sign, perpendicular to that road. The proposal's visual dominance and cluttering effect would also detract from the setting of the adjacent listed and locally listed buildings, diminishing their contribution to the character and appearance of this part of the CA to a certain extent.
10. I acknowledge that the illumination of the proposal could be controlled through condition. Furthermore, the manner in which an advertisement is illuminated is not, in and of itself, solely determinative. Nonetheless, in this instance it is the combination of the scale of the proposal, its illuminance, and proximity to other street furniture that would be harmful. Consequently, a condition to control illumination would not mitigate the impact of the proposal on the street scene to an acceptable level.
11. Therefore, I conclude that the proposed advertisement would result in an unacceptable impact on amenity, with particular regard to the character and appearance of the CA and street scene. Insofar as they are material, the proposal would not accord with the relevant provisions of Policies D4, D8, and HC1 of the LP, and Policies LP1, LP3, LP4, and LP7 of the HLP, which when read together require proposals to be of high quality, respecting local character and preserve or enhance the character of conservation areas.

Public Safety

12. The section of pavement within which the proposed advertisement would be located is relatively wide. The proposal would be positioned close to Kingsland Road, orientated to be highly visible from that road. The proposed advertisement would be within close proximity to a four-way junction controlled by traffic lights.
13. However, whilst this section of Kingsland Road is busy in nature, it is speed restricted to 20 miles per hour and as such, vehicular speeds are low. The proposal's position would be such that it would maintain a reasonable distance from the sight lines of the traffic lights at the junction, limiting any potential distraction or confusion for road users. The width of the pavement would allow the free flow of pedestrians to be maintained in addition to the legibility of the footway. The proposed advertisement's location would not impede the use of the adjacent cycle parking, with the pedestrian crossings at the crossroads facilitating safe dismounting and access for cyclists.
14. The proposed advertisement would therefore have an acceptable impact on public safety, specifically the safe use of the highway. Insofar as they are material, the proposal would accord with the relevant provisions of Policies D8 and T4 of the LP and Policies PP1, LP7, LP41, and LP42 of the HLP with respect to this main issue. When read together these require proposals to not increase road danger or cause a physical obstruction in the public realm.

Other Matters

15. The appellant makes reference to the proposal replacing an existing/recently removed free-standing advertising CIP unit within the same location. Nonetheless, the former CIP unit has been removed and therefore does not form part of the existing site context. Moreover the circumstances under which the former unit was installed are not before me to enable a meaningful comparison.
16. The appellant had drawn my attention to similar advertisements along Kingsland Road. Given the notable distance of these from the proposal, they would not form part of its setting or the context within which it is viewed. Furthermore, given the specific character of the appeal site, the considerations are different to those of other advertisements along Kingsland Road.
17. I am cognisant of the cited benefits of the proposal. These include, but are not limited to, financial benefits to the Council and, small and medium enterprises including start-ups, contribution to sustainability and innovation social value fund, EV charging point infrastructure, and air monitoring sensors and/or air cleaning filters. Also, rationalisation of the number of advertisements more widely. I remain to be convinced these factors are all reliant on the proposal. In any event, they would not be sufficient to outweigh the harm I have identified above and to which I ascribe considerable weight.

Conclusion and Recommendation

18. For the reasons given above and having had regard to all other matters raised, the proposed advertisement would be unacceptable with regard to its effect on amenity. I therefore recommend that the appeal should be dismissed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Rachel Hall

INSPECTOR