



Appeal Decision

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

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2024

Appeal Ref: APP/U5360/Z/24/3345181

Land Opposite 83 Dalston Lane, Dalston Lane, Hackney, London E8 2BF

- 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 Build Hollywood Ltd against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2024/0595.
 - The advertisement proposed is described as a wall-mounted timber poster panel measuring 6.2 metres wide x 1.7 metres high (non-illuminated) for the display of 4-sheet posters.
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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. From the appeal documentation and my site visit I note that the proposed advertisement is already in situ. I have determined the appeal on this basis.
4. The Council has cited conflict with Policies D8 and HC1 of the London Plan (2021) (LP), and Policies LP3 and LP7 of the Hackney Local Plan (2020) (HLP). The powers to control advertisements under the relevant regulations may be exercised only in the interests of amenity and public safety. Consequently, these policies are not, in themselves, decisive. They are material considerations relevant to the main issue.

Main Issue

5. The Council do not raise any issue with the proposed advertisement in respect of public safety. Based on the evidence before me, I concur with the Council on this matter.
6. The main issue is the effect of the proposal on amenity, with specific regard to the character and appearance of the Graham Road and Mapledene Conservation Area (CA).

Reasons for the Recommendation

7. The appeal site is located in a prominent location along the eastern side of Dalston Lane on a railway bridge within the CA. This part of the CA is busy in nature with the buildings to the north of the railway bridge of a primarily traditional character comprising shop fronts at ground floor level. By contrast, the south of the bridge is far more residential with the presence of more modern, higher density apartment blocks.
8. There is a large advertisement located on the southern elevation of 83 Dalston Lane in an elevated position just below the eaves and two modest advertisements to the south of the bridge along the western side of the highway. Nevertheless, there is a distinct lack of advertising along the eastern side of Dalston Lane travelling south along the railway bridge which further defines the two area qualities. As such, the railway bridge forms a definitive transition between these two distinct areas, positively contributing to the character and appearance of this part of the CA.
9. 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.
10. The advertisement is mounted on the wall of the railway bridge at eye level for passing pedestrians and motorists making it highly visible within the street scene. The lack of street level advertisements along the eastern side of the highway, particularly along the railway bridge and to the south, further enhances the prominence of the proposal, which appears as visual clutter within the street scene. The proposal is distinct from the fascia signage above the shop fronts to the north, which are associated with those premises and cognate with their commercial nature. The advertisement therefore disrupts and detracts from the existing hard separation of character types, eroding the positive contribution this makes to this part of the CA.
11. Although the wall onto which the advertisement is mounted has little architectural merit, it has a coping to highlight its extent and termination. The advertisement harmfully protrudes above this and obscures the detail resulting in its dominant and prominent appearance in the street-scene.
12. I acknowledge that there are other street-based advertisements in the area, and these have been referred to by the appellant. I do not, however, have full details of these examples to give them significant weight. Some of these examples serve to demonstrate the harm that can be caused to amenity including through the proliferation of advertisements and the impact of clutter.
13. I acknowledge, as the appellant highlights, that the site is on the edge of the CA, with the boundary being drawn in the middle of the roadway. This, however, does not alter my findings in terms of amenity and the fact remains that the appeal site lies within the CA.
14. Consequently, I conclude that the advertisement results 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 advertisement does not accord with the relevant provisions of Policies D8 and HC1 of the LP and Policies LP3 and LP7 of the HLP, which when read together, require proposals to be of high quality, respect local character, and preserve or enhance the character of conservation areas.

Other Matters

15. The appellant states that the advertisement is for community messaging and community support for the arts and culture and local businesses. Nevertheless, there has been no formal planning mechanism proposed that would secure advertising solely for this purpose. Even if such a mechanism was in place, these benefits would not be sufficient to outweigh the type, nature and extent of the harm I have identified above and to which I have ascribed substantial weight.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, the advertisement is unacceptable when assessed against the relevant regulations. I therefore recommend that the appeal should be dismissed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

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

A M Nilsson

INSPECTOR