



Appeal Decision

Site visit made on 21 June 2024 by R Parker BSc (Hons)

Decision by John Morrison BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2024

Appeal Ref: APP/U5360/Z/23/3335765

Pavement o/s 39 Stoke Newington High Street, Hackney, London N16 8DR

- 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 Clear Channel UK against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2023/1993.
 - 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 allowed, and express consent is granted for 'Proposed Free-Standing Advertising CIP unit featuring double-sided digital displays measuring 1635mm (H) x 924mm (W)'. 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 advertisement 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 show static images and shall not host 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.

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 description on the application form refers to a replacement. At the time of my visit a unit similar to the appeal scheme, with the branding of a different operator, was in place at approximately the position of the appeal unit. It appeared to have been recently installed. There is no indication this has an approval. The appeal scheme has not therefore been considered as seeking retrospective consent. I have proceeded on this basis. I have also taken the

address from the appeal form, which tallies with the decision notice, and more accurately identifies the site to which the appeal relates.

Main Issue

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

Reasons for the Recommendation

Amenity

5. The appeal site is located on a broad section of pavement outside 39 Stoke Newington High Street, close to its junctions with Victoria Grove, and Batley Road. This part of the High Street is a Red Route from 7am to 7pm Monday to Saturday and there is a bus lane adjacent to the appeal site, which continues some distance in either direction. There are consistent levels of moderate pedestrian and vehicle activity, such as would be expected from a well-used high street. A 20-mile per hour speed limit is in place, and traffic moves at a relaxed pace.
6. This is a commercial district, and the road is lined with ground floor retail units of different sizes, with accommodation above. Many of these are eating and drinking establishments, contributing to a lively buzz. The area is characterised by visual variety, and a range of advertisements are visible from the appeal site, predominantly in the form of shop sign fascia and projecting signs. There are also lampposts (of varied designs), bus stops, refuse bins, bicycle stands, benches, satellite dishes, and shop awnings, along with a plethora of street signs, and numerous trees.
7. The overall feel is of a well-used high street, as evidenced by the presence of such a wide array of commercial and street furniture. In this context the proposed unit would be clearly visible, but not incongruous. Its size and dimensions would be appropriate to its setting, blending into, rather than dominating, the street scene.
8. The unit would be the sole illuminated advertisement in the vicinity. Nonetheless, due to its commercial environment and the nighttime illumination provided by passing vehicular traffic and shop fronts the unit's lighting would not be at odds with the area or stand out unacceptably. No evidence demonstrating that detrimental noise levels are likely to emit from the proposed unit has been submitted. In any case, such emission would be in the context of a noticeable backdrop of noise from the busy nature of the surroundings.
9. During my site visit I did not observe any problems related to vandalism or rubbish affecting a similar unit in place at that time, and no evidence supporting this concern was submitted. With this and the above in mind, the proposed advertisement would not harm the amenity of the surrounding area. Insofar as they are material considerations relevant to the main issue, the scheme would comply with the aims of Policies D4 and D8 of the London Plan 2021 and Policies PP1, LP1, and LP7 of the Hackney Local Plan 2033 (Local Plan).

Public Safety

10. The site of the proposed unit is close to the edge of a relatively wide pavement roughly in line with two sets of bicycle stands and a lamppost, which already alter the use of the assessed portion of pavement. This positioning would help to form a clear, straight pathway on the inner side of the pavement, a safer movement pattern than the weaving around potentially harmful obstructions which may occur without the unit in situ.
11. There would remain a good amount of space available to pedestrians and wheeled users and I observed a consistent, moderate, flow of pedestrians passing the site without the unit currently in position causing an obstruction. While this observation did not encompass all hours, it took place during a weekday lunchtime, when footfall would be expected to be high, particularly with the number of cafes and restaurants nearby. Therefore, given the modest scale of the proposal, the ample width of pavement remaining, and the pattern of movement past the similar unit in place, the appeal proposal would not obstruct walking or wheeling.
12. According to the Planning Practice Guidance, while all advertisements are designed to attract attention, those placed where drivers need to be more cautious are more likely to affect public safety. It states that road safety problems are less likely if, among other things, the advertisement is located within a commercial or industrial area and if it is not on the skyline.
13. Despite the appeal proposal's proximity to the vehicular carriageway, its unexceptional size and its siting in an already visually busy commercial environment make its illumination unlikely to unacceptably distract users. This is supported by the 20mph speed limit in place, which further reduces any risk of accident or injury via its moderation of driver behaviour. In the absence of any evidence to demonstrate otherwise, risk to public safety would not be elevated by the illumination of the proposed unit.
14. While the appeal site is within the vicinity of road junctions, the red route and bus lane designations protect visibility via parking restriction. Further, the proposed position would be at enough of a distance that, in combination with the unit's modest size, and the 20mph speed limit, driver, pedestrian, and wheeled visibility would not be impaired.
15. The Council have not raised an increase in crime as an issue and, based on my site visit and in the absence of any evidence to the contrary, there is no reason to refuse the proposal on this basis. For this and the above reasons the proposed advertisement would not harm public safety in the surrounding area. Insofar as they are material considerations relevant to the main issue, the proposal would sit squarely with the aims of Policy D8 of the London Plan and Policies PP1, LP7, LP41, and LP42 of the Local Plan.

Other Matters

16. The power to control advertisements under the Regulations may be exercised in the interests of amenity and public safety only. Consequently, the necessity of the proposal and its energy provisions and efficiencies are beyond the scope of this appeal.

Conditions

17. The five standard conditions set out in the Regulations should be imposed, and three additional conditions. These are in the interest of preventing harm to the amenity of the area and to public safety. The first condition restricts screen brightness during hours of darkness, the second requires that only static images be displayed, and the third sets a minimum image display period of 10 seconds. These are to prevent road user attention from being unacceptably diverted.

Conclusion and Recommendation

18. For the reasons given above, the appeal scheme would be acceptable in regard to the main issues. Consequently, I recommend it be allowed, subject to the conditions stated.

R. Parker

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 allowed. Subject to the conditions set out above.

John Morrison

INSPECTOR