

Appeal Decision

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

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Appeal Ref: APP/U5360/Z/24/3336624

Pavement o/s 221-227 Hackney Road, London E2 7SH

- 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 2023/2146.
 - 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 description on the application form refers to the replacement of an 'existing/recently removed' unit. At the time of my visit there was no advertising unit in place and this appeal has been considered on that basis.
4. I have taken the address from the appeal form, which tallies with the decision notice, and while generally consistent with the address on the application form more accurately identifies the site to which the appeal relates.

Main Issue

5. The main issues are the effect of the proposal on amenity and public safety.

Reasons for the Recommendation

Amenity

6. The site is located within Hackney Road Conservation Area (HRCA). The significance of the HRCA is derived from how its surviving historic fabric charts the development of east London, particularly its remnants of Georgian era gentrification. The HRCA includes properties which are set back from the road in broadly uniform terraces of a common height, some with their front gardens preserved, as exemplified by the Grade II listed terraced Georgian

housing near to the appeal site. The retention of such gardens on a main traffic artery is a rarity in London, and thus a special highlight of the HRCA.

7. Blonde or terracotta brick is the locality's most common facing material. The appeal site is situated within an expansive pavement shaded by large, deciduous trees, and opposite is a small green with prominent hedging, and further mature trees. The combination of the dominant built materials and leafy vegetation results in a visual palette of muted earth tones.
8. While the proposed location of the appeal unit is set against the backdrop of a modern building, the terraced rhythm and earthen palette of the area are echoed in this building's Corten steel grid form. The set back so crucial to the significance of this part of the HRCA is also reflected here via a generous pavement space.
9. Nearby, there are two bus stops, hosting paper advertisements, as well as a plethora of poles, posts, railings, and other street furniture. These detract from the generally uncrowded appearance of the footway, but their frequency has not reached a character-altering tipping point. Thus, despite the presence of traffic and street furniture, this is a spacious, relaxed, verdant environment. This is particularly so when compared to other sections of this arterial road. As such, the appeal site forms part of the open aspects of the streetscape and contributes positively to the HRCA.
10. In this context, the advertising unit proposed in this appeal would clutter the pavement, reducing its open feel. The materials of the unit would be out of keeping with the prevailing textured browns and greens of the location. Even if smaller than standard 6-sheet advertising displays, it would still be substantial in form with a monolithic aesthetic. As the sole digital advertisement in the vicinity, its form, materials, and appearance would appear incongruous, and this would be exacerbated by the advertisement content which would draw the eye and has the potential to include bright colours. Consequently, the proposed unit would be a discordant addition to the immediate street scene, detracting from the quality of the HRCA's built environment and the amenity of the area in general.
11. Furthermore, the previous existence of an advertisement at the site is not justification for the proposed advertisement, particularly given it appears to have been in place for an extended period and it is not clear what the material considerations were for any previous consents given. Assessing the current proposal on its own merits and taking into account its specific design and relationship with the existing site context, it would not be acceptable in amenity terms. This is particularly so given my duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the HRCA.
12. For the reasons given above, the appeal scheme would unacceptably detract from the amenity of the area and would fail to preserve or enhance the character or appearance of the HRCA. Insofar as they are material considerations relevant to the main issue, the proposal would fail to comply with Policies D4 (Delivering Good Design), D8 (Public Realm), and HC1 (Heritage Growth and Conservation) of The London Plan (2021) (TLP), and Policies PP1 (Public Realm), LP1 (High Quality Design), LP3 (Designated Heritage Assets), and LP7 (Advertisements) of the Hackney Local Plan (2020)

(HLP). Amongst other things, these seek to protect amenity, with regard to design, local distinctiveness, and conservation areas.

Public Safety

13. The site of the proposed unit is close to the edge of the pavement where it adjoins the vehicular carriageway. It is diagonally in line and next to the rubber crumb surfacing around a large tree, and a short distance beyond the end of a fair extent of roadside railings. Two more trees are positioned alongside these railings, such that the space between trees and railings forms a narrow corridor of sorts, which opens out immediately before the proposal's position. Though the overall pavement is wide, its inner portion hosts two ranks of cycle hoops which create another corridor between these and the trees.
14. During my site visit I saw light but constant footfall, with a movement pattern demonstrating consistent use of these two corridors. This observation took place on a weekday lunchtime on a hot day in mid-summer. As this is a semi-residential area, footfall is likely to continue in the evenings and at weekends.
15. The evidence before me suggests that the advertising unit would not reduce the footway width below the Transport for London's 'Pedestrian Comfort Guidance for London' Guidance Document (2010). I also accept that the advertising unit would not sit in the likely main pedestrian desire line to the wider section of pavement. Even so, it would be a significant obstruction within one of the corridors described above. In that regard it would increase the risk of erratic pedestrian and wheeled movement patterns, with a greater likelihood of pedestrians skirting the unit via the road.
16. Furthermore, the appellant contends that the dark grey finish and uniform base would be in line with the guidance 'A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure' (2011). Even if this assists those with visual impairments, the obstruction of the pavement would not be desirable and would nevertheless be detrimental to the quality of the available space for vulnerable users including for example wheelchair users, or those with prams. Therefore, risk to public safety would be elevated by the siting of the appeal proposal.
17. Traffic moved continuously at around the 20mph speed limit during my visit, notwithstanding occasional queues at the nearby signals. Due to relatively wide viewing angles, broadly straight approach along this section of Hackney Road, and limited vehicle speeds, the unit as proposed would not have an unacceptable effect on pedestrian, wheeled, or motorised vehicle lines of visibility. While an illuminated digital advertisement would be unexpected given that the immediate area is not heavily commercial, I have had regard to the low levels of illumination proposed and the context of the 20mph speed limit. Accordingly, I find that in the absence of detailed evidence to suggest otherwise, the proposal would be unlikely to materially increase risk to public safety as a result of distraction. Nevertheless, this does not overcome my other public safety concerns.
18. For the reasons given above, the proposal would have an unacceptable effect on public safety. Insofar as they are material considerations relevant to the main issue, it would conflict with the aims of Policy D8 (Public Realm) of TLP and Policies PP1 (Public Realm), LP7 (Advertisements), LP41 (Liveable

Neighbourhoods), and LP42 (Walking and Cycling) of the HLP. Together, these seek to protect the quality and function of the public realm and routes within it.

Other Matters

19. The power to control advertisements under the Regulations may be exercised in the interests of amenity and public safety only. Therefore, the necessity of the proposal and its energy provisions and efficiencies are beyond the scope of this appeal.
20. The appellant contends that the advertisement is part of a wider scheme to rationalise the number of advertisements across the Council area, would include some opportunities for some of the units to display Council or community content and for public health and emergency type messaging to be displayed, and would help to deliver economic objectives including through annual revenue towards public service delivery. However, there is no evidence before me that such objectives could not be achieved without the appeal proposal. The public benefits in this instance are therefore likely to be limited and do not outweigh or justify the harm identified.

Conclusion and Recommendation

21. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

R Parker

APPEAL PLANNING OFFICER

Inspector's Decision

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

M Russell

INSPECTOR