



Appeal Decision

Site visit made on 4 December 2024

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Appeal Ref: APP/U5360/Z/24/3343272

Pavement o/s 182 Stoke Newington Road, Hackney, London N16 7UY

- 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 of Clear Channel UK against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2023/2011.
 - The advertisement proposed is a free-standing advertising CIP unit featuring single digital display measuring 1635mm (H) x 924mm (W) with a non-advertising, non-illuminated space on the reverse for Council or community content, 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.

Main Issues

2. The main issues are the effects of the advertising unit on the amenity of the area and on public safety.

Reasons

Amenity

3. The advert unit would be located on the corner of Stoke Newington Road and Amhurst Road. Although Amhurst Road is a residential street, this part of Stoke Newington Road is busy with shops and commercial properties and is part of Transport for London's Road Network.
4. The proposed unit would be around 2.5m high and about 1m wide. It would be located at the front edge of the pavement some distance away from the frontage of the building at No 182. Due to the straight alignment of Stoke Newington Road, it would be visible from a significant distance along the road in both directions. The unit would be visible from positions along Amhurst Road too, but due to its positioning it is likely only an acute view of either side of the unit would be possible.
5. There are some fascia signs along the shopfronts on both sides of the road of which some are illuminated as shown in the photo in the Council's officer's report. However none of the retail units closest to the site have illuminated fascia adverts. Also on the opposite side of the Amhurst Road junction there is a church, set back from the road behind a car park and with trees around its perimeter. This gives the immediate surroundings of the appeal site a more

muted commercial character than elsewhere along the road. Indeed, there is an illuminated advert on the bus stop shelter to the south of the site and a large totem sign with some illuminated features at the petrol filling station further south. But these are a significant distance away.

6. In that context the provision of a large, illuminated advert in this prominent position, isolated from any building and distant from other stand-alone adverts, would appear incongruous. This would be particularly the case because the advert would be facing north and from here it would be seen against the backdrop of the low-key commercial units behind, and with the trees at the church in the immediate setting. It is noted that the illumination would be turned off overnight and the brightness would otherwise be adjusted to suit ambient light conditions. Nonetheless, it would remain to be a prominent and incongruous unit in its immediate surroundings.
7. There is a significant volume of other street furniture including lamp posts, street signs, bollards, cycle stands and, on the opposite corner of Amhurst Road, a mobile phone mast and its associated equipment boxes. The proposed advert would add a substantially large feature to the collection of street furniture in this location. Its width, in particular, would render it as a bulky and obtrusively prominent feature contrasting with the slimmer profile of most of the other items of street furniture.
8. Overall the advert unit would be harmful to the visual amenity of the area. I have taken into account policy LP7 of the Hackney Local Plan (2020) which seeks to ensure that adverts are sensitive to the character of an area and do not detract from the amenity of the street scene. I have also accounted for Local Plan policy PP1 and policy D8 of the London Plan (2021) which both generally seek to improve the public realm. As I have concluded that the proposal would harm amenity, it would conflict with these policies which are material considerations. London Plan policy D4 is referred to in the reason for refusal and relates to design generally, but I find little in this policy that would be relevant to this proposal.
9. It is recognised that the proposed unit would be in the same position as a recently removed advert unit. The previous advert on the appeal site was granted consent in 1997 but has been absent for around a year given the date of the officer's report, which noted it had been removed at that time. The pavement has been made good where it once stood and, apart from newer paving slabs, there is no physical indication of the previous advert being there.
10. I understand that the appellant has a contract with the Council to provide 35 such units across the borough, and that the intention was to replace the old unit with the proposed unit simultaneously. Nonetheless, there has clearly not been an advert at the site for a significant period. Whilst the previous unit at the site is a material consideration, it is appropriate to consider the proposal afresh on the basis of the site and its surroundings as they currently exist.
11. Consequently, the fact that the proposed unit would be slightly shorter and narrower than the previous one, and would only display an advert on one side, instead of two, has little bearing on my decision.

Public safety

12. The unit would be sited close to the front edge of the pavement, by the start of a parking bay. The pavement at this point is very wide and even with the advert in place, a gap of around 5m to the building at No 182 would remain. Indeed the gap to the building would be slightly greater than the width of the pavement alongside the parking bays. There is already a lamp post close to where the advert unit would be sited, and this already affects the flow of pedestrian traffic. As such the advert unit would have no greater impact on pedestrian flow.
13. The unit would have a significant width, but in light of its position on a part of the pavement that would not be likely to further interfere with pedestrian flow, it would be unlikely to act as a visual obstruction for pedestrians. As a result the advert unit would not be harmful to the public safety of pedestrians and disabled users of the pavement.
14. The officer's report notes that changing illuminated adverts may be distracting to drivers. However, with conditions limiting the brightness, speed and frequency of change of the adverts, the proposal would not be unexpected or distracting bearing in mind the commercial nature of the wider area.
15. Overall the advert unit would not compromise public safety. I have taken into account London Plan policies D8 and T2, and Local Plan policies LP7 and PP1 which together seek to ensure the movement function of the public realm is provided for by ensuring pavements are wide, not obstructed and promote walking, and so are material in this case. Given I have concluded that the proposal would not harm public safety, it would not conflict with these policies.

Other Matters

16. The non-illuminated side of the unit, could be used for Council information or emergency information and the advert itself would generate an income for the Council at a time when resources are under pressure. Nonetheless, I consider these benefits to be very minor, and do not outweigh the harm to amenity set out above.

Conclusion

17. Although the advert unit would not impact harmfully on public safety it would harm amenity to which I give greater weight. Therefore, for the reasons given above, and having had regard to all other considerations, the appeal is dismissed.

A Owen

INSPECTOR