



Appeal Decision

Site visit made on 8 October 2024 by R Dickson BSc (Hons) MSc MRTPI

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Ref: APP/U5360/Z/24/3348914

149-50 Shoreditch High Street, Hackney, London E1 6HU

- 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 Imagineered Limited against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2024/0746.
 - The advertisement proposed is for the display of an advert at first floor level.
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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 Council have referenced development plan policies it considers relevant to this appeal and I have taken these into account as a material consideration where relevant. However, powers under the Town and Country Planning (Control of Advertisements) Regulations 2007 (The Regulations) to control advertisements, may only be exercised in the interests of visual amenity and public safety, taking account of any material factors. Consequently, the Council's policies have not by themselves been decisive in my determination.

Main Issue

4. The main issue is the effect of the proposed advertisement on the visual amenity of the South Shoreditch Conservation Area.

Reasons for the Recommendation

5. The site is located on Shoreditch High Street, which has a mix of retail, office space, cafes and hotels. The significance of South Shoreditch Conservation Area (CA) appears to derive from its historical use as one of the main routes into and out of the City, and was therefore a commercial and retail area. While some buildings are more modern, when viewing the appeal site from a distance, there is a clear character of Victorian and Edwardian buildings lining the street, with commercial uses at ground floor level. The upper floors are generally free of visual clutter to allow the facades to be appreciated. In

accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA in reaching this recommendation.

6. The advertisement would wrap around the corner of the building at first floor level and would be visible from long ranging views. It would be most visible when travelling south along Shoreditch High Street, and would be seen in the context of the mix of architecture, street furniture and advertisements. As well as low level advertisements attached to shopfronts, there are a number of other advertisements on both sides of the street in both portrait and landscape orientation. However, these are not visible from further down the high street.
7. The appeal site is a prominent feature in the street scene, particularly when rounding the curve in the street further north of the site. At this point in the road, the other large advertisements are not visible. The introduction of the advertisement at first floor level would be an incongruous addition to the street scene, and would erode the effect of commercial use being restricted to ground floor level. In terms of the host building, the advertisement would hide a large amount of the façade, which would affect the overall legibility of the historic frontage.
8. The Planning Practice Guidance identifies that although advertisements would be permitted in a commercial area of a major city where there are large buildings and main highways, this is dependent on whether the advertisement would affect the visual amenity of the area. Given that the buildings on Shoreditch High Street are smaller in scale and there is a prevailing character of low-level advertisements, the advertisement would be a discordant feature in the street scene, and would harm the visual amenity of the area.
9. The appellant contends that the advertisement is akin to the street art in South Shoreditch which the area is known for. However, a commercial advertisement has a considerably different impact on the character of an area compared to street art, which is appreciated for its cultural and artistic significance. Furthermore, the advertisement will face onto the main Shoreditch High Street, however there does not appear to be any street art near to the appeal site which is in quite such a prominent location. As such, the street art is not comparable to the advertisement proposed.
10. A planning obligation has been submitted for consideration. It seeks to ensure that, amongst other things, the advertisement is removed after the period of express consent has ended. However, being as I have found that the advertisement would be a discordant feature, if it were to be removed after a temporary period, it would still be harmful to the visual amenity of the area, and the CA. The appellant asserts that the agreement provides that the exterior of the building above ground floor level, with the exception of existing timber windows and door frames, would not be painted. While this would be a benefit, this does not outweigh the harm I have found above.
11. Accordingly, the proposed advertisement would be discordant with the street scene, and would be harmful to the visual amenity of the area, harming the character and appearance of the CA and the host building. In accordance with the Regulations, I have also taken into account Policies D3, D4, and HC1 of the London Plan (2021) and Policies LP3 and LP7 of the Hackney Local Plan 2033 (2020) in so far as these are material to amenity and which, amongst other

matters, collectively seek to protect visual amenity, ensuring that proposals positively contribute to the streetscape.

Conclusion and Recommendation

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

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

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

Mr A Spencer-Peet

INSPECTOR