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## Appeal Decision

Site visit made on 9 December 2024

**by J Pearce MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 DECEMBER 2024**

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**Appeal Ref: APP/U5360/Z/24/3354639**

**364 Mare Street, Hackney, London E8 1HR**

- 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 Ms Jasdip Dhaliwal of Infinity Outdoor against the decision of the Council of the London Borough of Hackney.
  - The application Ref is 2024/1512.
  - The advertisement is described as a temporary building image scaffold shroud screen incorporating an advertisement area for a period of 12 months, comprising of an advertising area measuring 7.5m wide x 7m high inset within a 1:1 replica image of the building facade.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 require that advertisement appeal decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework and the Planning Practice Guidance confirm this approach.
3. The Council has found that the advertisement would be acceptable in terms of public safety. From the evidence before me I see no reason to disagree.
4. Therefore, the main issue is the effect on the amenity of the area, with regard to the character and appearance of the Clapton Square Conservation Area.

### Reasons

5. The appeal site comprises a three-storey building with a commercial premises at ground floor level. The site is part of a parade of three and four-storey buildings and is in the Clapton Square Conservation Area (CA). As required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special regard to preserving or enhancing the character or appearance of a conservation area.
6. The CA is primarily centred on Clapton Square and the churchyard surrounding St John-at-Hackney Church and St Augustine's Tower. Development in the area is typically three to four-storey in scale positioned to the back edge of the footways fronting the roads. Mare Street is a busy, pedestrianised commercial street with shopfronts at ground floor level. Signage in the area includes fascia

predominantly below first floor level and hanging signs, characterising the commercial activity in the area.

7. The proposed shroud screen would incorporate a 1:1 illustrative replication of the frontage of the building as it would appear following development works at the site. The shroud would present an undoubtedly neater and more contained appearance than the exposed scaffolding and associated building works it is intended to screen. However, the shroud would include a large advertisement set at a high level within the front elevation.
8. The site is recessed from the neighbouring property and is therefore less prominent in views on the approach from Dalston Lane. Nonetheless, the display would project forward from the existing elevation and its combined height, size, and position would create an unduly intrusive and visually jarring presence. Moreover, the dominant scale of the advertisement, occupying a considerable portion of the shroud, would limit the effectiveness of the illustrative replication of the building. It would thereby introduce an incongruous and discordant feature that would fail to preserve the character or appearance of the CA and would be at odds with local visual amenity.
9. I acknowledge that the advertisement would be for a temporary period during construction works. In addition, the advertisement would provide an element of income to assist in covering the cost of the shroud. However, these benefits are of limited weight and do not outweigh the harm that would be caused to amenity, including the character and appearance of the CA. Furthermore, the period of consent sought is limited and traditional scaffolding and shroud materials would not be an unusual temporary feature in this commercial location for a short period of time.
10. I have taken into account Policies D4, D8, HC1, of the London Plan 2021 and Policies LP1, LP3 and LP7 of the Hackney Local Plan 2020, which seek to protect amenity and so are material in this case. Given I have concluded that the sign would harm amenity, the proposal would conflict with these policies.

## **Conclusion**

11. For the reasons given above the appeal should be dismissed.

*J Pearce*

INSPECTOR