



Appeal Decision

Site visit made on 17 December 2024

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 January 2025

Appeal Ref: APP/Y5420/Z/24/3349505

2 Upper Tollington Park, London, N4 3EL

- 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 Wildstone Estates Limited against the decision of the Council of the London Borough of Haringey.
 - The application Ref is HGY/2024/1069.
 - The advertisement proposed is the replacement of a paper and paste display with a D-Poster.
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Decision

1. The appeal is allowed and express consent is granted for the replacement of a paper and paste display with a D-Poster at 2 Upper Tollington Park, London N4 3EL as applied for. 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 additional conditions set out below:
 - 1) The display shall not change more than once every 10 seconds and there shall be no special effects (including moving images, apparently moving images, animation, flashing, scrolling, three dimensional, intermittent or video elements) of any kind, or any images that resemble road signs or traffic signals during the time that any message is displayed.
 - 2) The interval between successive displays shall be instantaneous (0.1 seconds or less), the complete screen shall change and there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays.
 - 3) In daylight hours, the advertisement display luminance shall be controlled in order to reflect ambient light conditions (to ensure it is neither too bright or too dull), and shall at all times be no greater than the recommended maximum daytime luminance values set out in Table 10.5 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m².
 - 4) In the hours of darkness, the intensity of the illumination of the advertisement permitted by this consent shall be no greater than 150 candela per square metre (cd/m²) in accordance with the recommended maximum night time luminance value set out for Environmental Zone 4 in Table 10.4 within the Institution of Lighting Professionals - Professional Lighting Guide 'Brightness of Illuminated Advertisements including Digital Displays' (PLG 05) (or its equivalent in a replacement guide) in cd/m².

- 5) The advertising displays shall be switched off between the hours of 00:00 and 06:00.

Preliminary Matters

2. The Regulations, the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The parties have drawn my attention to policies of the Haringey Local Plan, adopted 2017 (the LP) and the Haringey Development Management DPD, adopted 2017 (the DMDPD), considered to be relevant to the appeal. This includes the Council identifying in the decision notice that they consider that the proposal fails to accord with Policy SP12 of the LP and Policies DM3, DM8 and DM9 of the DMDPD. I have taken the policies into account as material considerations in so far as they are relevant to amenity and public safety.
3. The Council has raised no concerns in relation to the potential impact of the appeal proposal on public safety. On the basis of the evidence before me and my own observations, I see no reason to disagree.

Main Issue

4. The main issue is the effect of the proposed advertisement on the amenity of the area, including the living conditions of the occupiers of nearby dwellings.

Reasons

5. The appeal site comprises a three-storey, mixed use building situated on Upper Tollington Park, close to the junction with Stroud Green Road. The site is primarily visible to traffic travelling towards Stroud Green Road and from the other buildings on Upper Tollington Park, which include a care home and residential properties. There are streetlights, traffic lights and a controlled pedestrian crossing on Upper Tollington Park close to the appeal site.
6. In the vicinity of the appeal site, Stroud Green Road is predominantly characterised by traditional two and three storey, terraced buildings, with shops, bars and restaurants at street level. The area is commercial in character, and displays a wide range of advertisements, some of which are illuminated. Upper Tollington Park is predominantly characterised by terraced, residential properties. However, the area which immediately surround the appeal site is more commercial in character.
7. The proposal is for the replacement of a traditional billboard sign with an internally illuminated LED poster display sign, the size, height and position of the sign would be unchanged.
8. There is an existing presence of other signage in the visual catchment of the elevated billboard. This includes signage associated with the existing uses of the mixed-use building, car-wash site and the nearby care home. To the rear of the billboard, there is a mixture of advertisements visible amongst the commercial uses along Stroud Green Road. As a result, the proposed signage although visible from Upper Tollington Park, would by virtue of its position be viewed in the context of surrounding uses which includes a broad range of signage, associated with commercial properties.

9. The nature of the proposal with changing of static advertisements displayed would differ from the existing non-illuminated. However, the appeal site is close to a busy, predominantly commercial area and in this context and, taking into account the presence of the existing advertisement, I am satisfied that the proposal would not adversely harm the visual amenity of the area.
10. The site is close to, but outside of the Stroud Green Conservation Area (the SGCA) boundary. There is no Character Appraisal for the Conservation Area. However, the SGCA appeared to be characterised by rows of traditional terraced properties. The buildings are mainly finished in brick with traditional architectural detailing and modest pitched roofs. In my view the significance of the SGCA is derived from the consistent architectural character and layout of the buildings collectively.
11. The existing poster display is a prominent feature within the street scene. However, whilst I accept that the appeal proposal would be different in terms of the method of illumination, I am not persuaded that its visual relationship and impact on the setting of the SGCA would fundamentally change. It would continue to be viewed alongside the commercial buildings which surround it, and in the wider context of the commercial character evident on Stroud Green Road. For these reasons, I find that the proposed digital advertisement would not have an adverse impact on the setting of the SGCA.
12. Turning to the matter of living conditions, although located close to a number of residential properties, the Light Spill Diagram indicates that there would be no harmful adverse effects to the nearby residential properties. Furthermore, the appellant has suggested planning conditions which would require the signage to be turned off between the hours of 00:00 and 06:00 and which would limit the level of illumination during hours of darkness to 150cd/m² rather than the industry standard of 300cd/m². Therefore, subject to controls which could be put in place over the level of illumination and the speed and frequency of image transitions, I conclude that the proposed digital advertisement display would not cause material harm to the living conditions of the occupiers of nearby residential properties.
13. I therefore conclude that the proposal would not have a harmful effect on the amenity of the area, including the living conditions of the occupiers of nearby dwellings. Although not decisive, the proposal would also comply with Policy SP12 of the LP and Policies DM3, DM8 and DM9 of the DMDPD. Together, these policies require advertisements to be of a high-standard, sensitive to its visual appearance on the building on which it is to be sited and the surrounding street scene, especially in the case of listed buildings and conservation and avoid visual intrusion of light pollution into adjoining residential properties.

Conditions

14. As previously mentioned, conditions in addition to the five standard conditions as set out in the Regulations are necessary in the interests of visual amenity and to ensure that public safety is not harmed.
15. I have imposed conditions to control the level of illuminance and to require the advertisement to be switched off between the hours of 00:00 and 06:00. These are necessary in the interests of protecting the living conditions of neighbouring occupiers.

16. I have also imposed further conditions to ensure that the advertisements are displayed for a minimum amount of time, that the change between advertisements is instantaneous, and that the displayed advertisement is static. These are necessary to ensure that public safety is not harmed and to ensure the advertisements do not harm the safe operation of the highway network.

Conclusion

17. For the reasons given above, I conclude that the display of the proposed advertisements would not be detrimental to the interests of amenity or public safety. The appeal should, therefore, be allowed and express consent granted subject to the conditions set out.

K Lancaster

INSPECTOR