



Appeal Decision

Site visit made on 19 November 2024 by A Khan BSc (Hons) MA MSc

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2025

Appeal Ref: APP/U5360/Z/24/3343547

Pavement outside 2a Woodberry Down, London N4 2TG

- 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 Clear Channel UK against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2023/1970.
 - The advertisement proposed is 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 allowed and express consent is granted for the 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, at Pavement outside 2a Woodberry Down, London N4 2TG in accordance with the terms of the application Ref 2023/1970. 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 following additional conditions:
 - 1) The advertisement permitted by this consent shall only be illuminated during the hours of 05:00 to 00:00.
 - 2) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 300 candela per square metre in the hours of darkness. During the daylight hours the luminance shall be controlled by sensors to reflect ambient light conditions. At all times the display shall operate within that recommended by the Institute of Lighting Professionals for a sign within Zone E4 in its Professional Lighting Guide 05 (PLG 05/23) Brightness of Illuminated Advertisements Including Digital Displays (or its equivalent in a replacement Guide).

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. I have taken the address from the Council's Decision Notice as it more accurately describes the precise location of the appeal site.

Main Issues

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

Reasons for the Recommendation

Amenity

5. The appeal site lies on a heavily trafficked road close to a major junction and in front of a Manor House tube station entrance. The area primarily comprises of commercial premises at ground floor level and residential units above, although there are residential units at ground level within the vicinity of the area. Advertisements are predominantly present on shopfronts, however there are some digital displays in the area.
6. The proposal would introduce an illuminated double sided freestanding sign to a commercialised area. This proposal would be closer to the road than the recently removed sign and would be smaller in scale. There is a freestanding illuminated sign located nearby of similar scale and design, sited in front of the Green Lanes entrance of Manor House station. In addition, there are also digital displays on the opposite side of the appeal site, one is mounted on the Manor House building side wall facing the incoming northern traffic of Seven Sisters Road, and another is located on the bus shelter on the opposite lane from the appeal site. Consequently, the proposal would be in keeping with the existing commercial character of the area. The proposed unit would relocate existing street furniture without detracting from the character and use of space. The proposal would therefore not harm the character of the area and blend with the existing street furniture without increasing visual clutter.
7. The presence of existing freestanding signage in the area demonstrates that the proposal is an acceptable design for the area and shows that vandalism on, or litter and mess around freestanding signs are not common to the area.
8. Although the proposal would introduce an additional light source to the area, the impact on amenity can adequately be mitigated by conditions to restrict the hours of operation and levels of illumination.
9. Consequently, the proposed freestanding advertising unit would not harm the amenity of the area. I have taken into account Policy D4 of the London Plan (Adopted March 2021), and Policy LP7 of the Hackney Local Plan 2033 (Adopted July 2020) (LP) which seek to maintain the design quality of advertisements. I have also taken into account London Plan Policy D8 and LP Policy PP1, which state development should benefit the public realm.

Public safety

10. The proposal would be located in between the cycle racks and bollard and would not protrude beyond the cycle rack line, therefore would not take up any additional pavement space for pedestrians. The appeal site is located on the left hand side of Woodberry Down, therefore the proposed unit would not block the line of sight for highway users joining from Woodberry Down. The proposal would be sufficiently set back from Woodberry Road that pedestrian users would be visible to vehicle users approaching the junction. Although the appeal site lies on a TfL red route and near a major signal-controlled junction, the proposed unit would be viewed well in advance to any oncoming traffic on Seven Sisters Road, where the maximum

speed limit is 20mph. For these reasons this would not result in a harmful distraction to drivers. In addition, the illumination would not be out of place for the area and is a common occurrence throughout commercialised areas of London.

11. The appeal site is located next to a major traffic controlled pedestrian crossing; therefore, pedestrians have a safe access route to cross Seven Sisters Road and would be unlikely to 'jump out' from behind the installation.
12. Consequently, the proposed freestanding advertising unit would not cause harm to public safety. I have taken into account London Plan Policy D8 and LP Policy PP1, which state that development should protect the safety of the public realm, and LP Policy LP7, which seeks to protect any obstruction to the public realm. I have also taken into account LP Policy LP42, which states development must promote walkability and cycling.

Other Matters

13. Whilst section 222 of the Act¹ grants planning permission for any development of land involved in the display of advertisements in accordance with the Regulations, consent under section 222 would not grant consent for the erection of any other structure unless its primary purpose is to display advertisements. Therefore, in this case, the installation of a (albeit relocated) cycle rack and litter bin as may or may not be necessary, is not within the confines of this application. There are separate legislation and consent regimes for the installation of such street furniture within the adopted highway which are outside of the scope of the Advertisement Regulations under which I am required to determine this appeal.
14. Concerns have been raised regarding noise pollution affecting nearby residential dwelling occupiers. Given the background traffic noise, the impact from noise would be minimal and there is nothing to suggest that the installation would generate significant noise.
15. The concern relating to the energy use of the proposal wasting resources is not relevant in an appeal of this nature where the relevant considerations are public safety and amenity.
16. The Council have referred to an appeal decision² where an Inspector considered that the differences in nature between the existing and proposed advertisement did not justify allowing the appeal. I do not have full details of this appeal in order to give it significant weight. It relates to a different proposal at a different location, and I have considered this appeal on its own individual planning merits. Furthermore, I have found that for the reasons given above, there would not be harm to amenity.
17. The question of need and the motives for advertising has been raised. Such matters are not however relevant considerations in an appeal of this nature.
18. There is no evidence to suggest that installations such as this result in an increase in anti-social behaviour.

Conditions

19. In addition to the five standard conditions, conditions are necessary to control the levels and hours of illumination in the interests of amenity.

¹ Town and Country Planning Act 1990 (as amended),

² APP/U5360/Z/19/3239396

Conclusion and Recommendation

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

A Khan

APPEAL PLANNING OFFICER

Inspector's Decision

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

A M Nilsson

INSPECTOR