



Appeal Decision

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

Decision by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2025

Appeal Ref: APP/U5360/Z/24/3343644

Pavement outside 145a Stoke Newington Road, Hackney, London N16 8BP

- 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 (Clear Channel UK) against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2023/1997.
 - The advertisement proposed is described as "Proposed 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 allowed and express consent is granted for the proposed 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, at Pavement outside 145a Stoke Newington Road, Hackney, London N16 8BP in accordance with the terms of the application Ref 2023/1997. 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.

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 has referenced policies it considers to be relevant to this appeal and I have taken these into account as a material consideration. However, powers under the Town and Country Planning (Control of Advertisements) Regulations 2007 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.

4. I have adopted the address from the Council's Decision Notice in the above header as it more accurately describes the location of the proposal than the address given on the application form.
5. The National Planning Policy Framework (Framework) was revised during the life of the appeal. The substantive elements thereof as they relate to the appeal scheme have not changed. I am therefore satisfied that there is no need to seek the views of the main parties.

Main Issues

6. Paragraph 141 of the Framework states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The main issues, in this case, are the effect of the proposal on visual amenity and public safety.

Reasons for the Recommendation

Visual amenity

7. The appeal site is situated on a busy main road, comprising ground level commercial units and upper floor residential premises. Advertisements are primarily present on shopfronts, with some freestanding advertisement units along Stoke Newington Road and illuminated displays on nearby bus shelters and some shopfronts. The mixed-use environment has an established commercial identity most prominent at pedestrian and vehicular level.
8. The proposal is for a double-sided freestanding advertisement unit, one side illuminated, the other non-illuminated, which would replace the previously removed double sided illuminated freestanding unit on the edge of the footway outside 145a Stoke Newington Road (No 145a).
9. The proposal would not be the only illuminated sign within the vicinity of the appeal site, but the surrounding area has predominantly non-illuminated signage. However, the illuminated advertisement would not be incongruous, within this commercial setting and would automatically adjust to light levels ensuring night-time illumination would not exceed 300 cdsq.m.
10. Advertisements, such as that proposed, are a common feature of many commercial areas. There is existing street furniture around the appeal site. The presence of shopfronts signs and similar freestanding units along Stoke Newington Road establish the area as a commercial one and limit the likelihood of the proposed unit attracting anti-social behaviour. Existing street furniture is far enough from the appeal site to prevent visual clutter. Therefore, the proposal would complement the existing public realm and be in keeping with the character and appearance of the area.
11. The proposal would not be in close enough proximity to residential occupiers to create noise pollution or disturbance, therefore would be unlikely to exceed the background noise level experienced from residential dwellings nearby.
12. Therefore, the proposal would be acceptable in relation to amenity and would not cause harm. I have also noted Policy D4 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

13. The location of the proposal is positioned at the edge of the footway outside No 145a, near a pedestrian refuge island and by a loading bay area. The changing images of the proposed advertisement would be visible to north bound traffic only which, when combined with the high visibility of the proposal from distant views, would limit any potential risk of distraction. The width of the proposed unit would limit the line of the sight for highway users for only a short time.
14. The proposal's dimensions would be narrow enough to not obstruct vehicular loading in the loading bay area. Pedestrians crossing close to the proposal would have reduced lines of sight of incoming traffic. However, the obstruction would be limited due to the proposal's position being recessed from the edge of the footway and would not materially obstruct views. There is a pedestrian crossing close to the appeal site which means pedestrians are not restricted to crossing from the pedestrian refuge island only. Although the proposal would limit some lines of sight, this would prevent safe crossing.
15. The footway appears to be a highly trafficked route in a busy commercial thoroughfare. Nonetheless, it would retain an unobstructed footway of nearly 4 metres, in excess of the minimum width of the 2 metres required by 'Transport for London – Streetscape Guidance' for unobstructed footways. As a result, the proposal would not detract from the Council's objectives of promoting walking and cycling and other sustainable travel methods. Also, the proposal would be within the established street furniture zone of existing features within the footway. Accordingly, the location and width of footway indicate that the proposal would retain sufficient space for pedestrian movement without causing obstruction or force pedestrians into the carriageway.
16. Consequently, the proposed advertisement would be acceptable and 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. Finally, I have taken into account London Plan Policy T2, which seeks to promote street safety.

Other Matters

17. Concerns were raised relating to the energy use of the proposal, wasting resources. This is not relevant to this appeal as the relevant considerations are public safety and amenity. Additionally, the presence of digital advertisements is a common occurrence and widely accepted use of energy.

Conclusion and Recommendation

18. 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

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

Ben Plenty

INSPECTOR