



Appeal Decision

Site visit made on 15 January 2025

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2025

Appeal Ref: APP/E5900/Z/24/3352719

44 to 48 Commercial Street, Tower Hamlets, London E1 6LT

- 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 King Media Ltd against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/24/01140.
 - The advertisement proposed is two externally illuminated advertisement signs (7m x 10m & 7m x 5.6m) within temporary scaffolding shroud, incorporating a 1:1 facsimile of the building and its architectural features printed on it.
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Decision

1. The appeal is allowed and express consent is granted for the display of the two externally illuminated advertisement signs (7m x 10m & 7m x 5.6m) within temporary scaffolding shroud, incorporating a 1:1 facsimile of the building and its architectural features printed on it at 44 to 48 Commercial Street, Tower Hamlets, London E1 6LT in accordance with the terms of the application, Ref PA/24/01140, dated 3 July 2024. The consent is for 10 months from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the following additional conditions:
 - 1) The advertisements permitted by this consent shall not be displayed on the site after the date of completion of building operations or after expiry of 10 months from the date of this decision, whichever occurs first.
 - 2) The intensity of the illumination of the advertisements permitted by this consent shall be no greater than 115cd/m².
 - 3) The advertisements shall only be illuminated inside the hours of 0700 and 2300 and should be switched off at all other times.
 - 4) The advertising area on the west elevation shall not exceed 7m height x 10m width and the advertising area on the south elevation shall not exceed 7m height x 5.6m width. The adverts shall only be displayed at the same time as the 1:1 scale image of the building.

Preliminary Matters

2. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as material considerations. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal the Council's policies have not therefore, by themselves, been decisive.

3. There are no objections before me from relevant technical consultees with regard to public safety. The Council concluded in its officer report that the proposal would not pose a risk to public safety in regard to visual distraction or present a risk to highway or pedestrian safety. There is no compelling reason before me to conclude otherwise.

Main Issue

4. The main issue is therefore the effect of the proposed temporary advertisement on the visual amenity of the area.

Reasons

5. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. The appeal site comprises a 4-storey Grade II Listed Building (LB) located on the corner of Commercial Street and Wentworth Street, within the Wentworth Street Conservation Area (CA).
6. Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA. This duty applies in advertisement appeals insofar as it relates to the consideration of amenity. The statutory duty under Section 66(1) of the same act pertaining to listed buildings only applies to the consideration of whether to grant planning permission. However, the fact that a building is listed is a relevant consideration when considering the effect on amenity in advertisement appeals.
7. The CA in this area is predominantly characterised by various mid to late Victorian commercial buildings of 4-5 storeys, containing shops and warehouses with a variety of well-detailed elements and polychromatic brickwork. The significance of this part of the CA, in so far as it relates to this appeal, is therefore derived from the architectural arrangement and historic significance of its buildings.
8. The LB features a yellow brick finish, extensive moulded stone dressings, window and loading bay features and arrangements, and a ground floor arcade with arched openings resting on chamfered square capitals. The historic features of the building have been well preserved, and it thus remains a good example of a mid-Victorian commercial premises.
9. The proposed advertisement and shroud would be mounted on scaffolding required to facilitate the repair and renovation works of the existing building. The shroud would feature a 1:1 illustrative replication of the building facades printed on a light-permeable mesh. An illuminated area for advertising would be placed on both the west and south facing elevations.
10. The proposed shroud and advertisements would cover most of the façade of the LB. However, the evidence indicates that irrespective of the outcome of this appeal the façade would be covered for the duration of renovation works by a shroud and scaffolding. The contribution of the LB to the street scene would thus be significantly reduced during this time in any event.
11. The proposed advertising areas, though large, would cover a relatively small proportion of the overall shroud. The facsimile of the building façade would thus be the dominant feature in the streetscene. The adverts would be fairly well related to

the fenestration depicted on the shroud, and would be set apart from one another, on different elevations, providing a visual break.

12. The building sits on a corner and illumination would increase the prominence of the advertisements at night. However, the street is a relatively busy commercial thoroughfare. Moreover, the surrounding area is not particularly open due to the density of development and street pattern. The south and west facing elevations of the building are thus not prominent in long distance views, and the visual impact of the proposed advertisements would therefore be relatively localised.
13. There are some limited examples of advertisements above ground floor level locally. Nevertheless, these are not a prevailing characteristic of the area. Permanent retention of the proposed advertisements would thus be incongruous and harmful to the character and appearance of the area. However, the proposal seeks consent for 10 months only, and so any effect on visual amenity would be temporary and overall this would preserve the character and appearance of the CA and surrounding area.
14. In conclusion, the proposed temporary advertisement would not have a harmful effect on the visual amenity of the area. I have not identified any conflict with Policies D.DH2, D.DH10, S.SH1, or S.DH3 of the Tower Hamlets Local Plan 2031 Adopted January 2020, or Policies D4 or D8 of The London Plan March 2021. These policies, among other provisions, require development to meet the highest standards of design and advertisements, hoardings and signage to be well-integrated within the public realm, host buildings and the surrounding area. They also seek to protect the borough's conservation areas and heritage assets and ensure development reduces visual clutter.

Other Matters

15. The Council's Transportation and Highways section has advised that the proposals would require over sail licenses under section 177/178 of the Highways Act 1980 and a CG 300 Technical Approval submission. These matters are beyond the scope of this appeal and the appellant will need to satisfy themselves that the necessary highway licensing has been sought.

Conditions

16. The main parties have suggested conditions should the appeal be successful. I have considered these and amended where appropriate in light of the PPG.
17. The 5 standard conditions set out in the Regulations apply to all advertisements consented in England. It is not necessary for me to repeat these conditions on this decision. However, the appellant should ensure they are familiar with the 5 standard conditions set out in the Regulations.
18. Additional conditions are required to clarify the temporary nature and duration of the consent and to limit the level and duration for illumination of the proposed advertisements, to safeguard the visual amenity of the area.
19. The appellant has proposed the 1:1 scale replica illustration of the underlying building be secured by condition. A condition is required to ensure the adverts are only displayed at the same time as the 1:1 scale image of the building and to clarify the dimensions of the advertisements in accordance with the terms of the application, in the interests of the visual amenity of the area.

Conclusion

20. For the reasons given I conclude that the appeal is allowed.

Ryan Cowley

INSPECTOR