



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: 11th February 2025

Appeal Ref: APP/U5360/Z/24/3353432

2-4 Great Eastern Street, Hackney, London EC2A 3NW

- 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 Mr Justin Myers, on behalf of BLOW UP MEDIA UK Ltd, against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2022/2462.
 - The advertisement proposed is temporary scaffold shroud advertisements for a period of 12 months comprising two externally lit advertising areas (measuring 7.7m x 7.6m and 7.7m x 7.7m) set within a 1:1 image of the building during works.
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Decision

1. The appeal is allowed and express consent is granted for the display of the temporary scaffold shroud advertisements for a period of 12 months comprising two externally lit advertising areas (measuring 7.7m x 7.6m and 7.7m x 7.7m) set within a 1:1 image of the building during works at 2-4 Great Eastern Street, Hackney, London EC2A 3NW in accordance with the terms of the application, Ref 2022/2462, dated 10 October 2022. The consent is for a maximum period of 12 months and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the following additional conditions:
 - 1) The express consent hereby granted shall begin on the first date of the display of the advertisements or by not later than 3 months from the date of this decision, whichever is sooner.
 - 2) Written notice shall be given to the Council of the first date of the display of the advertisements within 7 days of them being displayed.
 - 3) The advertisements hereby granted express consent shall be permanently removed and the use of the site for the display of advertisements will be discontinued 12 months after the first display of the advertisement or upon completion of the external building works, whichever is the sooner.
 - 4) The intensity of the illumination of the advertisements permitted by this consent shall be no greater than 300cd/m².
 - 5) The advertisements shall only be illuminated inside the hours of 0700 and 2300 and should be switched off at all other times.
 - 6) The advertising area on the east elevation shall not exceed 7.7m height x 7.7m width and the advertising area on the south elevation shall not exceed 7.7m height x 7.6m width. The adverts shall only be displayed at the same time as the 1:1 scale image of the building.

Preliminary Matters

2. In the banner heading and formal decision above I have set out a truncated form of the description of development in the application form, omitting that which is unnecessary to accurately describe the scheme.
3. 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.
4. 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 result in acceptable highways impacts on the basis that the consent is for a temporary period. There is no compelling reason before me to conclude otherwise.

Main Issue

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

Reasons

6. 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 5-storey locally listed office building, located on the corner of Great Eastern Street and Shoreditch High Street, within the South Shoreditch Conservation Area (CA). It also adjoins a grade II listed building at 6-8 Great Eastern Street, and there is a grade II listed terrace of buildings at 11-15 Great Eastern Street opposite.
7. 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.
8. The appeal site is located adjacent to a busy urban intersection in the southeastern corner of the CA. The CA in this area is composed of traditional terraced buildings of between 2 and 5 storeys, along with the appeal building, arranged around the intersecting streets. The backdrop to the south is one of commercial and residential high rises. There are numerous examples of advertisements in the vicinity, particularly at ground floor level. The significance this part of the CA, in so far as it relates to this appeal, is therefore derived from the architectural arrangement of historic buildings and the way they frame the intersection and the bustling activity at street level.
9. The appeal building sits in a prominent location, bounded on 3 sides by the adopted highway. It is a relatively well-preserved example of post-war functional design. It is located in alignment with Commercial Street to the southeast and so is

visible in long distance views on approach from this direction. The width of the road approaching from the south and the openness of the junction also amplifies its visibility in the surrounding area.

10. The proposed advertisement and shroud would be mounted on scaffolding surrounding the building. The shroud would feature a 1:1 illustrative replication of the building façade. An illuminated area for advertising would be placed centrally on both the south and east facing elevations.
11. The proposed shroud and advertisements would cover most of the façade of the building. 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 building to the street scene would thus be significantly reduced during this time in any event.
12. The proposed advertisements would cover approximately 20% of the shroud on each elevation, and a smaller 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.
13. Though there are examples of large advertisements above ground floor level locally, the Council indicate at least some of these are subject to removal or discontinuance notices. Such advertisements do not contribute to the significance of the CA in this location and 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. Nevertheless, the proposal seeks consent for 12 months only, and so any effect on visual amenity would be temporary. Overall, the proposal would thus preserve the character and appearance of the CA and surrounding area, and the setting of the listed buildings.
14. The Council contend there is no substantive evidence that significant refurbishment works are underway or imminent and thus the advertisement appears primarily motivated by commercial interest. There is however a schedule of building works before me setting out required roof and façade repairs. Additionally, there is evidence of planning permission granted in October 2023¹ for erection of a single storey roof extension and a four-storey rear infill extension, including replacement of existing windows and refurbishment of the brick and render façade. Such works are likely to require scaffolding as described. There is thus no compelling evidence that the proposed advertisement is intended to be anything more than a temporary installation.
15. The evidence indicates that the previous consent² was never implemented, however I saw during my site visit that large advertisements have been affixed to the building. Nevertheless, any unauthorised advertisements displayed on the building in the intervening period is ultimately an enforcement matter for the Council. This does not indicate that advertisements in the form proposed in this appeal would not be acceptable for a temporary period of 12 months. In the event the proposed adverts are not installed in the manner described in this appeal, or remain in situ beyond the temporary period, the Council may enforce against their unlawful retention.

¹ Council Ref 2022/2547

² Appeal Ref APP/U5360/Z/21/3275356

16. My attention has been drawn to another appeal³ at 32 Shoreditch High Street. The Council considers this to be particularly instructive in the consideration of this appeal. Limited details of the circumstances of the case are before me. However, I note that the inspector found the advertisement shroud failed to disguise unsightly scaffolding, no evidence was provided to justify the need for a shroud, and limited space between the advertisement and the building's facade, combined with the absence of scaffolding, indicated that meaningful restoration work was not feasible. This is materially different to the appeal scheme and evidence before me. It does not therefore lead me to a different conclusion on this main issue.
17. 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 LP1, LP3, LP4 or LP7 of the Hackney Local Plan 2033 Adopted July 2020, or Policies HC1, D3 or D8 of The London Plan March 2021. These policies, among other provisions, seek to ensure that new advertisements are of the highest standard of design, the public realm is attractive, and development responds to local character and context and preserves or enhances the significances of the historic environment and the setting of heritage assets, including non-designated heritage assets.

Other Matters

18. Interested parties raised concerns regarding the reusability and sustainability of the proposed shroud, comparative to conventional green netting. The sustainability of the proposed material is however not relevant to the consideration of matters of amenity and public safety and so is beyond the scope of the powers that may be exercised under the Regulations.

Conditions

19. 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.
20. The Council has not suggested any additional conditions should the appeal be successful. However, additional conditions are required to clarify the temporary nature and duration of the consent.
21. Given there may be some delay in the display of the adverts while scaffolding and building renovation works are prepared, a condition is required to clarify that the consent will begin on the first date of the display of the advertisement or by not later than 3 months from the date of this decision, in accordance with Regulation 14(8) of the Regulations. A condition is also required to ensure the appellant notifies the Council of the first date of the display of the advertisement, for clarity.
22. Additional conditions are also required to limit the level and duration of the illumination of the proposed advertisements, 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.

³ Appeal Ref APP/U5360/Z/17/3187579

Conclusion

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

Ryan Cowley

INSPECTOR