
Appeal Decision

Site visit made on 27 February 2025

by **R Gravett BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 March 2025

Appeal Ref: APP/E5900/Z/24/3353638

Site at Cambridge Heath Road and east-facing boundary wall of Blind Beggar, 337-341 Whitechapel Road, Tower Hamlets, London E1 1BU

- 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 Toby Pullen of Max Barney Estate against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/24/01128.
 - The advertisement proposed is described as “Retention of 2 x static externally illuminated HD 48 sheet panels display.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address in the banner heading above has been taken from the application form, rather than the decision notice. Whilst I understand the address is not recorded by the Council, I am satisfied that the description of the address and the Location Plan submitted with the application accurately identify the appeal site.
3. I observed on my site visit that both advertisement panels have been displayed, but the anti-graffiti clear coating does not appear to have been applied. I have assessed the appeal on this basis, and on the proposed plans before me.

Main Issue

4. The Council raises no objection in relation to public safety and based on the evidence before me and my site visit, I see no reason to take a different view. Therefore, the main issue is the effect of the advertisements on amenity, including whether they would preserve or enhance the character or appearance of the Whitechapel Market Conservation Area.

Reasons

5. The appeal site is within the Whitechapel Market Conservation Area (the CA). In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have therefore paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.
6. The CA derives its significance from the character and activity associated with the market itself, with market stalls lining wide pavements on the north side of

Whitechapel Road broadly between the Cambridge Heath Road and Vallance Road corners. The fine grain of historic buildings along stretches of the north side of Whitechapel Road, which includes the Blind Beggar public house, also add to the character and appearance of the CA. The significance of the CA can be appreciated on the approaches to the junction adjacent to the appeal site. The *Whitechapel Market Conservation Area: Character Appraisal and Management Plan (2021)* (CAMP) also specifically recognises the importance of long views east and west along Whitechapel Road, which highlight the historic street frontages and expose the colourful open space market activity.

7. The appeal site is formed by a high brick wall adjacent the Blind Beggar public house, which returns the corner of Whitechapel Road (A11) and Cambridge Heath Road, a busy, wide and open signalised road junction. Two 48 sheet advertisement panels have been installed on wooden supporting structures affixed to the brick wall facing toward the public highway on Cambridge Heath Road with overhead external strip lighting. Although of simple, contemporary design, the panels project a reasonable distance from the host wall and the lighting significantly overhangs the pavement. The location of a mature London Plane tree, bicycle stand, and a lighting column means that the pavement along this short section of Cambridge Heath Road is already narrow and, by projecting from the wall, the advertisement panels appear oppressive, dominating the pedestrian environment.
8. Looking east from the pavement and market stalls along the north side of Whitechapel Road, the rear of the wooden supporting structure and overhead lighting is particularly visible, rising above the brick wall. This appears an incongruous and unsympathetic addition to the street scene, detracting from the pleasing character and appearance of the adjoining Blind Beggar public house and its decorative fencing, and the historic White Hart public house which is sited on the opposite corner of Cambridge Heath Road.
9. Despite being sited parallel to the road, so at an obtuse angle, the advertisement panels are unduly prominent from vehicles travelling southbound on Cambridge Heath Road, particularly when waiting at the junction with Whitechapel Road. From here, the two advertisement panels are viewed covering a wide section of the brick wall, and rather than appearing balanced or adding visual interest to a featureless wall, they appear a disproportionate addition to it. The mature London Plane tree, which is sited to one side of the brick wall and has a high canopy, does little to frame or filter views of the advertisement panels.
10. In wider and longer views, on the approach to the signalised junction, particularly travelling from the south on Sidney Street and from the east on Mile End Road (A11), the advertisement panels are highly conspicuous because of their size and elevated position above the ground, and the open aspect of the junction. While buildings vary in scale close to the appeal site and there are numerous traffic lights, directional signs and street-lighting columns at the junction, the advertisement panels nonetheless appear overly prominent and unduly intrusive in the street scene. This would be exacerbated at night because of the overhead strip lighting, and notwithstanding that the illumination now proposed by the appellant would meet the Institute of Lighting Professionals' guidance. As such, the advertisement panels detract from those important long views of the market stalls and historic buildings along Whitechapel Road identified in the CAMP and fail to preserve the character and appearance of the CA. I therefore conclude that the advertisements have a harmful effect on visual amenity.

11. The Council has drawn my attention to several policies in The London Plan (2021) and the Tower Hamlets Local Plan 2031 (2020) (LP). I have taken them into account as material considerations, particularly LP Policy D.DH10 which requires advertisements to complement the character, appearance and visual amenity of the site and surrounding area and to not have an adverse impact on the significance of heritage assets, including conservation areas. However, powers to control advertisements under the regulations may be exercised only in the interests of amenity and public safety. Consequently, in my determination of this appeal, the Council's policies have not, themselves, been decisive.
12. I have also taken account of paragraph 141 of the National Planning Policy Framework which states, amongst other things, that the quality and character of places can suffer when advertisements are poorly sited.

Other Matters

13. There is no dispute between the parties that graffiti is an issue in this location, and my attention is drawn to the Council's *Graffiti and Street Art Policy* which recognises the adverse impact graffiti can have on public and visitor perception. The appellant has proposed that the brick wall to which the advertisement panels are affixed would be treated in anti-graffiti clear coating and has suggested a condition is attached to any consent, which would require the site remain free of graffiti, or graffiti is removed within 7 days.
14. The appellant has also drawn my attention to advertisement panels displayed in a similar location to the appeal panels in 2014 and 2016 which were treated with a weatherboard cladding to prevent graffiti. I do not have any further information as to the treatment used in these cases, or the status of the advertisements, but I acknowledge that the absence of graffiti would be a clear benefit to visual amenity in this location. However, I am not persuaded, on the evidence before me, that the prevention and/or removal of graffiti could only be achieved through the display of advertisements in this location or facilitated by the revenue raised by them. Control over graffiti would not adequately mitigate for the harm to amenity I have found, nor would the suggested condition make the advertisement panels acceptable.

Conclusion

15. For the reasons given above, I conclude that the advertisements harm amenity and do not preserve or enhance the character or appearance of the Whitechapel Market Conservation Area. The appeal is therefore dismissed.

R Gravett

INSPECTOR