



Appeal Decision

Site visit made on 18 February 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 02 April 2025

Appeal Ref: APP/G5750/Z/24/3352054

31 Broadway, Newham, London E15 4BQ

- 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 Sam Harrison of King Media Ltd against the decision of the Council of the London Borough of Newham.
 - The application Ref is 24/01524/ADV.
 - The advertisement proposed is the temporary display of 1x externally illuminated advertisement shroud.
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Decision

1. The appeal is allowed, and express consent is granted for the temporary display of 1x externally illuminated advertisement shroud at 31 Broadway, Newham in accordance with the terms of the application, Ref 24/01524/ADV. The consent is for a period of 6 months. The consent 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 be for a period of 6 months which shall begin on the date of commencement of the display or 3 months from the date of this decision, whichever is sooner.
 - 2) Written notice shall be given to the Council of the date of commencement of the display of the inset advertisement area on the shroud within 7 days of commencement.
 - 3) The advertisement and surrounding scaffolding shroud hereby granted shall be removed at the end of the period specified in Condition 1 or on completion of the maintenance and repair works described in the schedule of specific works, whichever is sooner.
 - 4) The inset advertising area hereby granted shall not exceed 8m x 6.5m and shall only be displayed at the same time as the 1:1 shroud image.
 - 5) The advertisement hereby granted shall not display any moving, sequential or apparently moving images.
 - 6) No more than 3 lights shall be used to illuminate the advertisement hereby granted and they shall be positioned as shown on drawing PY4608/005. The intensity of illumination to the advertising area shall not exceed 400 candelas per square metre.

Preliminary Matters

2. The Regulations require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG) confirm this approach. Therefore, while I have taken account of the policies that the Council considers to be relevant, these have not been decisive in my determination of this appeal.
3. Since the appeal was lodged the Framework has been updated. I am satisfied there are no changes of any consequence for the main issue in this appeal.
4. Drawing PY4608/007 accompanying the application includes the annotation "External illumination 6x flood lights at 3m intervals". Notwithstanding this annotation, all other references to the illumination of the advertising panel in the evidence before me refers to 3 external flood lights. As the number of lights is not in contention, and in the interests of certainty and clarity, I have determined the application on this basis.

Main Issue

5. The main issue is the effect of the proposal on the visual amenity of the area having regard to whether it would preserve or enhance the character or appearance of the Stratford St John's Conservation Area and the setting of nearby listed buildings and non-designated heritage assets.

Reasons

6. The appeal building is situated within the Stratford St John's Conservation Area (the Conservation Area). In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
7. The appeal relates to a three-storey former public house rebuilt around 1925. It is situated between Tramway Avenue and West Ham Lane, fronting onto Broadway. The building is in neo-Georgian style with a symmetrical façade of five bays. The ground floor is occupied by retail units with modern shopfronts. There is no dispute that the building is in a prominent location and has a presence in the street scene that contributes positively to visual amenity.
8. The area is characterised by predominantly 19th- and 20th-century commercial, retail and civic buildings in a variety of architectural styles, using a broad palette of materials. The area has a busy commercial and civic character, typical of an urban centre. As such, advertising and signage are characteristic elements of the area with some at low-level, associated with ground-floor premises, and some above ground-floor level.

Conservation Area

9. Turning to the matter of the Conservation Area, I find that the heritage significance of the area arises from the survival of the irregular, pre-industrial plan form of streets and the sequence of development that resulted in the subsequent townscape. The pattern of development originates from before the 18th century. Some buildings, although much altered, survive from the early 18th century, for

example the King Edward VII Public House (List Entry No: 1190785). The Church of St John the Evangelist (List Entry No: 1080990) with its burial ground, enclosed by railings (List Entry No: 1190774), is a dominant feature located at the centre of the area. The church formed the focal point around which other civic, commemorative and commercial developments took place through the 19th and early 20th centuries, notably the Education Offices (former West Ham Town Hall) (List Entry No: 1080991) with adjacent K6 telephone kiosks (List Entry No: 1080975), the Gurney Memorial Drinking Fountain (List Entry No: 1358001) and Martyrs' Memorial (List Entry No: 1190750), and the National Westminster Bank (List Entry No: 1080992). As such, each of the listed buildings in this part of the Conservation Area contribute positively to its heritage significance as historic events in the development of the area and as individual architectural features.

10. The sequence of architectural development includes domestic-scale buildings alongside prominent and monumental statements and landmarks. The area is characterised by the eclectic mix of architectural styles, age of building and building uses developed over three centuries, which contribute positively to the visual amenity of the area.
11. The appeal property, principally the front façade, also makes a positive contribution to the character of the Conservation Area through its architecture and historical commercial use. Scaffolding and the protective shroud are proposed to be installed to facilitate maintenance and repair work to the façade and roof of the appeal property. The need for maintenance and repair work to the building does not appear to be in question. The proposed scaffolding shroud would cover the front façade and part sides of the appeal property from above ground floor level to the full height of the corner chimneys. The shroud would depict a 1:1 image of the building and include an inset commercial advertisement panel. The advertisement panel would be located to the centre of the front elevation.
12. The depiction on the shroud would present the main architectural features of the building as seen from street level. This would allow continued appreciation of the architectural form and merits of the building during the period of maintenance works. The large, high-level advertisement panel would be visible within the street scene but would be subservient in scale and complementary with regard to proportion. While the advertisement panel would be a departure from the architectural character of the host property, any harm would be sufficiently mitigated by a satisfactory balance between the depiction of the remainder of the building's façade and the proportions of the advertisement panel within it. For a temporary period of 6 months the shroud would be preferable to, and less harmful to visual amenity than, the use of traditional scaffolding materials. Thereby, I find the proposal would preserve the character and appearance of the Conservation Area and the setting of non-designated heritage assets within it, and subsequently the visual amenity of the area.

Listed Buildings

13. The appeal property is described as being within the setting of the listed buildings referred to above. In each case the heritage assets derive significance from their special architectural or historic interest and setting. When dealing with an appeal for an advertisement within the setting of a listed building, the statutory duty from s66(1) of the Act requiring me to have special regard to preserving the setting of a listed building does not apply. However, for the purpose of assessing the

contribution listed buildings make to the character and appearance of the Conservation Area and visual amenity of the area, and the effect of the proposal on them, I have considered each building in turn.

14. The Church of St John the Evangelist is a substantial and prominent building at the centre of Broadway. It derives its heritage significance from its architectural and aesthetic qualities and communal value as a place of worship. Constructed in the early 19th century in Early English/decorated Gothic style it contrasts with other buildings in the area. The cast iron railings that enclose the burial ground to the Church of St John the Evangelist are contemporary with and complement the architecture of the church. The heritage significance of the railings derives from their artistic and aesthetic values. The Martyrs' Memorial is constructed in Gothic style and was incorporated into the burial ground in the last quarter of the 19th century. It commemorates the burning of Protestant Martyrs nearby in 1556. As such, it derives its heritage significance from its historic, communal and aesthetic values. The 3 listed structures described above are recognised as having group value, complementing each other stylistically and collectively representing 19th-century ecclesiastical aesthetics and heritage. These listed buildings, individually and collectively, make a positive contribute to the Conservation Area and visual amenity of the area.
15. The early 20th-century Neo-Georgian architecture of the appeal property is in marked contrast, stylistically and in date and use, with the above group of listed buildings. Its presence in the area and street scene is coincidental to their architectural, communal and historic value and, in this regard, contributes only slightly to their heritage significance. The appeal property and this group of listed structures are intervisible but remain distinct features within the street scene. As such, I find that the proposal, particularly due to its temporary nature, would not have a significant detrimental effect on the appreciation and understanding of the heritage significance or visual amenity of this group of listed structures.
16. The former National Westminster Bank is a robust, three-storey building in Italianate style constructed during the last quarter of the 19th century. It derives its heritage significance from its architectural and aesthetic expression and communal value due to its former use. In marked contrast, being only two storeys in height and domestic in scale and character, is the neighbouring early 18th-century King Edward VII public house. It retains features on its front façade from its earliest phase of development and, as such, has heritage significance as one of the earliest surviving buildings in the street scene. The 2 listed buildings described above are recognised as having group value. While they contrast with each other in style and scale, and principally designated for their architectural and historic interest, they collectively represent the commercial character and development of the area from the 18th century onward and contribute positively to the Conservation Area and visual amenity of the area.
17. As above, the appeal property is in marked contrast, both stylistically and in date, with both the former National Westminster Bank and the King Edward the VII public house. Its commercial use and presence in the street scene contribute to their heritage significance. However, the appeal property is separated from these buildings by Tramway Avenue and intervening buildings and, therefore, has a distinct and detached presence in the street scene. As such, I also find that the proposal would not have a significant detrimental effect on the appreciation and

understanding of the heritage significance or visual amenity of this group of listed buildings.

18. The Gurney Memorial Drinking Fountain of 1861 is located opposite the appeal property. It is a monumental granite obelisk commemorating the life of the Quaker philanthropist and reformer, Samuel Gurney who resided nearby. As such, the structure derives its heritage significance from its historic, architectural and communal values. The monument contributes positively to the Conservation Area and visual amenity of the area. The appeal property's presence in proximity to the memorial is coincidental to and, given the original use of the property as a public house, arguably at odds with the much of the heritage significance of the listed structure. The appeal property forms the backdrop to the Gurney Memorial Drinking Fountain from several points within the street. However, I do not consider this contributes to the memorial's heritage significance. As such, I find that the proposal, and particularly due to its temporary nature, would not detract from the appreciation and understanding of the heritage significance and visual amenity of the Gurney Memorial Drinking Fountain.
19. The former West Ham Town Hall is adjacent to the appeal property, separated from it by West Ham Lane. It is a large and prominent building in the street scene and contributes positively to the Conservation Area and visual amenity of the area. Constructed in 1867-8 in Italianate style it is monumental in form and scale and, as such, the building derives much of its heritage significance from the quality of architecture and artistic expression. The building also has communal value as a public building and civic centre. While the appeal property and former town hall are seen together from several points in the street, they exist coincidentally and contrast in style, age and use. As such, I find that the appeal property contributes only slightly to the heritage significance of the former West Ham Town Hall. I find that the proposed scaffolding wrap and advertisement panel would not have a harmful effect on the ability to appreciate or understand the heritage significance or the visual amenity of the former West Ham Town Hall given that structure's scale and visual prominence.
20. Adjacent to the former West Ham Town Hall, and out of sight of the appeal property are 3 K6 telephone kiosks. K6 telephone kiosks derive their heritage significance from their special architectural design interest. The telephone kiosks contribute positively to the Conservation Area and visual amenity of the area. Given the lack of intervisibility and nature of the listed structures I find that the proposal would have no effect on the heritage significance or visual amenity of the telephone kiosks.
21. I note the Council's comments in respect of the Framework and judging any harm associated with the appeal proposal against public benefits. However, the question of less than substantial or substantial harm in paragraphs 212 to 215 of the Framework is not relevant to advertisement consent applications, as this only applies to heritage-related consent regimes under the Planning (Listed Buildings and Conservation Area) Act 1990.
22. I also note the Council's point that the proposal drawings fail to depict the specific design and appearance of the commercial advertisement and that the subsequent lack of clarity would be sufficient to warrant a refusal. However, Regulation 3(4) stipulates that an express consent for the display of advertisements shall not contain limitation or restriction relating to, among other things, design of what is to

be displayed, unless it appears to be required in the interests of amenity. This presumes that displaying an advertisement, in principle, would not cause harm to amenity, as I have found in this case.

23. The Regulations require that advertisements be subject to control only for the interests of amenity and public safety. The Council have indicated that they do not consider the proposal to pose a threat to public safety and I see no reason to disagree.
24. Given the above, subject to requiring the removal of the shroud and advertisement after a period of 6 months or on completion of the works to the host property, the proposal would not result in harm to visual amenity. It would preserve the character and appearance of the conservation area and the significance of heritage assets in the locality. In this regard, there is no conflict with the Regulations which seek to control advertisements in the interest of visual amenity (and/or public safety).
25. In reaching my conclusion against the main issue, I have also taken into account Policies SP1, SP3, SP5, SP7 and SP8 of the Newham Local Plan (2018) and Policies D3, D8 and HC1 of the London Plan (2021) as material in this case. Among other things they are concerned with local distinctiveness, good design and the protection, conservation and enhancement of heritage assets and their settings. However, given that I have concluded that the proposal would not harm visual amenity, it accords with these policy objectives.

Conditions

26. In addition to the five standard conditions set out in the Regulations it is necessary to define the period of consent to provide clarity. For the same reason it is necessary to ensure that the Council is informed in writing of the commencement date, and to specify when the shroud and advertisement must be removed.
27. To preserve the character and appearance of the area it is also necessary to apply conditions to specify that the advertisement shall not exceed 8m x 6.5m, that it shall only be displayed at the same time as the shroud depicting a 1:1 image of the building, and that no moving images are used. In addition, a condition is required to restrict the number of lights and limit the level of illumination.

Conclusion

28. For the reasons given above and having regard to all other matters raised, the appeal is allowed.

C Mayes

INSPECTOR