



Appeal Decision

Site visit made on 25 March 2025

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 28 April 2025

Appeal Ref: APP/U5360/Z/24/3354676

44 Lower Clapton Road, Hackney, London E5 0RN

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Poster Property Limited against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2024/1542.
 - The advertisement proposed is described as: Upgrade of existing 48 sheet to support digital poster.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address used in the application form repeated the location of 'Hackney'. To improve clarity, the heading above has been updated to remove the duplicate.
3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the National Planning Policy Framework (the Framework) and the National Planning Practice Guidance (PPG) confirm that advertisements should be subject to control only in the interests of amenity and public safety. I have taken into account the provisions of the development plan, in so far as they are material, and any other relevant factors.
4. As the proposal is in a conservation area, I have also had regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Accordingly, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Clapton Square Conservation Area (the 'CA').

Main Issue

5. The parties agree that the proposed advertisement would not be detrimental to public safety. Therefore, the main issue is the effect of the advertisement on amenity, having regard to its siting in a conservation area and the living conditions of neighbouring occupiers.

Reasons

6. The application concerns a three-storey terraced building located on a corner site at the junction of Lower Clapton Road and Median Road. A static advertisement is displayed on the building's flank elevation, positioned across the first and second floors. The evidence indicates that this 48-sheet paper-and-paste advertisement benefits from deemed consent.

7. The area of the CA around Lower Clapton Road is defined as a principal shopping street, characterised by predominantly 19th-century houses with shopfronts and public buildings. However, the modern design of many shopfronts detracts from the street's historic village character. Away from the main road, the streets are primarily residential. The Clapton Square Conservation Area Appraisal highlights the multiplicity of street furniture, including signage, within the CA. Given such, I find the significance of the CA, insofar as it relates to this appeal, to be primarily associated with its historic architecture and the visual balance between commercial and residential units.
8. The proposed advertisement replaces the existing billboard with a digital poster (D-Poster) that will display multiple static advertisements on rotation. The appellant confirms that it would be approximately 25% smaller than the current panel. The proposed screen would be capable of displaying 6 different advertisements, cycling every ten seconds. The appellant has stated that the digital advertisement's illumination would adjust to daylight variations, complying with the guidelines set by the Institution of Lighting Professionals.
9. The proposed advertisement would be placed in broadly the same position as the current advertisement, and as such, the appellant states that it would reduce clutter at the appeal site. However, signage within the CA is generally restrained, with limited illumination above ground floor level. While I recognise that the area features commercial developments, there are no similar features in this context. Given the prominent position of the proposed advertisement and the nature of the illuminated display, the proposal would still appear prominent when viewed from the surrounding public realm, including the main shopping street, both during the day and night-time.
10. Additionally, the intermittent changing of the illuminated display would draw further attention to the advertisement, accentuating its visual significance. Furthermore, the proposal would be more modern in both form and technology compared to other advertisements in the area. As a result, despite the visually cluttered appearance of the locality, the proposal would still appear incongruous and out of place, contrasting with the relatively simple, static signage that is characteristic of this context. Consequently, the proposal would unacceptably detract from the character and appearance of the street scene and would detract from the setting and therefore the significance of the CA.
11. There are residential windows directly opposite the appeal site. The appellant considers that the proposed advertisement is smaller in size than previous schemes, and that any additional illumination would be limited. On that basis, I have considered the Light Spill Diagram. However, given the close proximity of dwellings across the road, the illuminated and changing nature of the advertisement would still detract from the visual amenity of the occupiers of these properties, with the more frequent image changes being more detrimental than the current static display.
12. In reaching this view, I recognise that the proposed advertisement is smaller than previous proposals and may also reduce pressure for adverts in new locations by carrying multiple adverts. Nevertheless, there would still be harm to amenity, and these considerations do not alter my findings.

13. The appellant has referred to other advertisement consents, including one in Hackney (2016/2987), which was located on a gable end wall of a locally listed building in a residential and commercial area. They have also referred to another consent (2023/2480) located on a gable end wall close to residential and commercial units. However, both of these consents related to the replacement of an existing internally illuminated digital advertisement. Additionally, neither appear to have been located within a conservation area and as such, they are not directly comparable. Accordingly, I am not satisfied that the circumstances in those cases are the same as the case before me and so ascribe them only limited weight.
14. I have taken into account Policies D4 and HC1 of the London Plan 2021 and Policies LP1, LP2, LP3, LP7 of the Hackney Local Plan 2020 which seeks to protect amenity and so are material in this case. Given I have concluded that the proposal would harm amenity, the proposal conflicts with these policies.
15. Overall, for the above reasons, the proposed advertisement would have a harmful effect on amenity, having regard to its siting in a conservation area and the living conditions of neighbouring occupiers.

Other Matters

16. The appellant states that the proposed advertisement offers environmental, social and economic benefits. It may reduce vehicle movements required to repost advertisements and decrease the amount of waste generated in this process. Additionally, it may result in an increase in business rates, provide a platform for emergency messaging, and potentially utilise void periods for public messaging and public art campaigns. It may also be lightweight, durable, efficient and capable of being erected with minimal engineering. However, these factors do not outweigh the harm identified above.
17. The appellant alleges that the Council did not engage with them in a positive and creative way as set out in the Framework. However, this is not a matter which I can consider in an appeal under Regulation 17.

Conclusion

18. For the reasons given above the appeal should be dismissed.

S Lo

INSPECTOR