



Appeal Decisions

Site visit made on 19 June 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7TH July 2025

Appeal A Ref: APP/U5360/W/25/3359078

Pavement o/s 19 Amhurst Park, Amhurst Parade, London N16 5AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nathan Still of Infocus Public Networks Limited against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2024/2426.
 - The development proposed is described as: *The installation of a multifunctional communication Hub including defibrillator and advertisement display, as illustrated in the attached documentation.*
-

Appeal B Ref: APP/U5360/H/25/3359079

Pavement o/s 19 Amhurst Park, Amhurst Parade, London N16 5AA

- 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 Nathan Still of Infocus Public Networks Limited against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2024/1597.
 - The advertisement proposed is described as: *The installation of a multifunctional communication Hub including defibrillator and advertisement display, as illustrated in the attached documentation.*
-

Decision

1. Appeal A is allowed and planning permission is granted for the installation of a multifunctional communication hub including defibrillator and advertisement display, as illustrated in the attached documentation at Pavement o/s 19 Amhurst Park, Amhurst Parade, London N16 5AA in accordance with the terms of the application, Ref 2024/2426, subject to the conditions in the attached schedule.
2. Appeal B is allowed and express consent is granted for the installation of a multifunctional communication hub including defibrillator and advertisement display, as illustrated in the attached documentation at Pavement o/s 19 Amhurst Park, Amhurst Parade, London N16 5AA as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out in the attached schedule.

Preliminary Matters

3. Appeal A concerns the refusal of planning permission to erect a communication hub with a defibrillator (AED). Appeal B concerns the refusal of express consent to display advertisements on the hub as proposed under Appeal A. As they are intrinsically linked and raise similar issues, I have combined both decisions into a single decision letter.

Main Issues

4. The main issues are:

- the effects of the proposals on the visual amenity of the area; and,
- the effects of the proposals on highway safety.

Reasons

Visual amenity

5. The appeal site is located on the footpath between the highway of Amhurst Park and the line of commercial premises which make up Amhurst Parade. This location hosts a strong commercial character with a range of business types at the ground floor level. Within this context, various types of street furniture are visible. These include vehicle bollards, bus stops, street bins, lighting columns and road signage. Buildings are typically of three or four storeys high, although examples of buildings of greater heights are present.
6. The proposed communication hub would be sited away from the highway and against the border of the grass verge which divides the pavement from Amhurst Parade. A similar position is utilised by the lighting columns, street bins and the bus stop which are located along Amhurst Park. This is also a location where advertisements in various forms exist. Alongside the typical signage found above the shop fronts and businesses, I noted similarly sized displays on the nearby bus stop and those found within the wider area.
7. Collectively, the appearance of the advertisement displays upon the hub and the physical structure of the hub itself would not be unusual in this commercial area where street furniture and other advertisements are a predominant feature of this location. Furthermore, given their size, the hub and its associated advertisements would not appear prominent due to their location against the large-scale buildings which make up the area of Amhurst Park.
8. Based on the foregoing assessment, in relation to Appeal A, the proposed communication hub structure with an AED would not be harmful to the visual amenity of the area. Therefore, the proposal would accord with Policies D4 and D8 of the London Plan 2021 (LP) and Policies PP1 and LP1 of the Hackney Local Plan 2033 (HLP). Together these policies, amongst other matters, seek to ensure that development complements the character of a locality.
9. With regards to Appeal B, the proposal would not have an unacceptable effect upon the amenity of the area. The policies of the development plan are a material consideration, and in this respect, the scheme would not conflict with the LP and HLP.

Highway safety

10. The Council's officer report highlights the concern that the communication hub would reduce pavement width, and that its position, orientation and scale would reduce the visibility of pedestrian crossings and could distract drivers.
11. The pavement in this location is particularly wide and therefore, a significant pavement width would still be retained. Nevertheless, a communication hub would, by reason of its presence, reduce the available width of the pavement.

However, it would be sited in a similar position to nearby street furniture located further along the pavement. As such, for pedestrians walking along the pavement of Amhurst Park, their position would more than likely be towards the centre of this wide footpath to manoeuvre around this other street furniture and the proposed communication hub.

12. The appeal site is located between two pedestrian crossings on a straight section of a 20mph road. The first of these is part of a crossroads to Stamford Hill and Clapton Common. The second crossing is a Pelican Crossing located further along Amhurst Park. Whilst they are spatially close to the appeal site, they would be read in a different context where the limited size of the hub and its adverts would be difficult to view from the perspective of a driver on the approach to these crossings. As such, due to the positions of these crossings and the location of the appeal site between them, a development and advert of this limited scale would not reduce the visibility of pedestrians using these crossing points.
13. Moreover, conditions can be used to ensure changes in displays are instantaneous, that images are static, not changed more than once every 10 seconds and that appropriate illumination levels are met. This would further reduce the possible effect of the proposals on highway safety and the distraction of drivers. I turn to this matter later in my decision.
14. Based on the above, with regard to both Appeal A and Appeal B, the proposed development would not result in a harmful effect on highway safety. They would, as far as they are a material consideration to Appeal B, therefore accord with Policy D8 of the LP and Policies PP1, LP41 and LP42 of the HLP. Collectively, amongst other things, these policies seek to create wide and clear pavements, promote a high-quality public realm and ensure both the movement function of the public realm and its function as a place are provided for.

Conditions

15. The Council has provided a list of suggested conditions in the event the appeals were allowed. I have considered these suggestions against the advice in the Framework and Planning Practice Guidance. As a consequence, I have amended or omitted some of the suggested wording. Comments were requested from the parties on the conditions listed in the below schedules.
16. With regards to Appeal A, in the interests of certainty, I have imposed a condition which relate to the commencement of the development [1] and the approved plans [2]. A management plan was included in the application. This management plan addresses issues such as vandalism. I consider the conditioning of this document which details the operation and management of the hub [3] as necessary, in the interests of maintaining a suitable appearance and for public safety.
17. Appeal B would be subject to the 5 standard conditions, as set out in the Regulations. In addition, to prevent the proposed advertisements from distracting road users, I have attached conditions which restrict the intensity of illumination [1] and I have included a minimum display time [2]. For the same reasons, I have also included a condition which controls movement within each advert [3] and a restriction on the transitions between each different advert. This also includes a mechanism to switch off the screen in the event of malfunction [4].

Conclusion

18. For the reasons given above, both appeals should be allowed.

J Smith

INSPECTOR

Schedule of Conditions

Appeal A: APP/U5360/W/25/3359078

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawings:
 - Site Plan and Images (A02591)
 - Hub Unit Elevations
 - Hub Unit Detail
- 3) The development hereby permitted shall be operated and managed in accordance with the Communication Hub Unit Management Plan V2 September 2022 by JC Decaux, or an updated equivalent.

Appeal B: APP/U5360/H/25/3359079

- 1) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 300cd/m². At all times the display shall operate within the recommendations by the Institution of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement guide).
- 2) The minimum display time for each advertisement shall be no less than 10 seconds.
- 3) The digital advertisement screen shall be statically illuminated and shall not display any moving, apparently moving or audible images (including animation, flashing, scrolling, three dimensional or video elements).
- 4) Any change in the advertisement display shall be instantaneous and shall not include blending, fading, swiping or other animated transition methods. The display shall include a mechanism to freeze the image or switch off the screen in the event of a malfunction.

End of Schedule