



Appeal Decisions

Site visit made on 19 June 2025

by **A M Nilsson BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st July 2025

Appeal A Ref: APP/U5360/W/25/3359313

Pavement o/s 1 Amhurst Park, Amhurst Parade, London, N16 5LW

- 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 Infocus Public Networks Limited against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2024/1603.
 - The development proposed is the installation of advertised communication hub unit with defibrillator.
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Appeal B Ref: APP/U5360/H/25/3359314

Pavement o/s 1 Amhurst Park, Amhurst Parade, London, N16 5LW

- 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 Infocus Public Networks Limited against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2024/1602.
 - The advertisement proposed is the installation of a multifunctional communication hub including defibrillator and advertisement display.
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Decision

1. Appeal A is allowed and planning permission is granted for the installation of advertised communication hub unit with defibrillator at Pavement o/s 1 Amhurst Park, Amhurst Parade, London, N16 5LW in accordance with the terms of the application, Ref 2024/1603, and the plans submitted with it, 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 at Pavement o/s 1 Amhurst Park, Amhurst Parade, London, N16 5LW in accordance with the terms of the application, Ref 2024/1602, dated 24 July 2024. The advertisement consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the conditions in the attached schedule.

Preliminary Matters

3. As set out above, there are two appeals on the site. I have considered each proposal on its own individual merits. However, the communication hub and advertisement are inextricably linked in each case. Therefore, to avoid duplication I have dealt with the two appeals together having regard to the independent

requirements of both the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) for the proposals on the site.

4. In respect of Appeal B, Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Policy Framework (the Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Regard does not need to be had to the development plan. I have taken relevant policies into account as a material consideration though they have not, by themselves, been decisive in my determination.

Main Issues

5. The main issues in both Appeal A and Appeal B are 1) the effect on amenity, and 2) the effect on highway and public safety.

Reasons

Amenity

6. The appeal site is located on the south-west corner of the busy crossroad junction between Amhurst Park and Stamford Hill. The surrounding area contains a mix of commercial and residential uses and there is a large amount of vehicular and pedestrian movements in the area. The surrounding area contains a noticeable amount of street furniture including bus shelters, including some with incorporated advertisements, and phone boxes. There is also a standalone digital advertisement similar to the proposed development on the north-east corner of the crossroad junction.
7. The proposed development would replace an existing kiosk that incorporates an advertisement. In this relatively commercialised and active context, with a notable amount of street furniture, the proposed development would not appear out of character. It would assimilate with its surroundings and would not cause harm. The proposal would not harm the character of the area and would blend in with the existing street furniture without increasing visual clutter.
8. Although the proposal would introduce an additional light source to the area, the impact on amenity can adequately be mitigated by conditions and the level of light would not be to such an extent that there would be an unacceptable impact in terms of amenity in this context.
9. Concerns have been raised regarding noise pollution. Given the background traffic noise, the impact from noise would be minimal and there is nothing to suggest that the installation would generate significant noise.
10. I therefore conclude that the proposed development and advertisement would not have an unacceptable impact on amenity. It would comply with Policies PP1, LP1 and LP7 of the Hackney Local Development Plan (2020) and Policies D1, D4 and D8 of the London Plan (2021). These policies require, amongst other things, that developments respect the architectural quality and the character of the surrounding environment, and that developments relate to the context of the surrounding area. They also seek to maintain the design quality of advertisements

and that development should benefit the public realm and avoid unnecessary street clutter.

Public Safety

11. The proposed installation would be located a short distance from a pair of cycle parking racks. It would be set 0.5 metres from the kerb. A width of 1.4 metres would remain between the installation and a raised planting bed. There is also a wide footpath in front of the existing commercial unit that would be unaffected by the proposed installation. Given that the existing section of footpath narrows as it leads to the junction, and contains the existing cycle parking, the alternative route using the footpath in front of the commercial unit is somewhat more harmonious, being wider and further from the carriageway. Either way, the fact that the installation would retain a width of 1.4 metres of footpath is sufficient to allow for pedestrian movement.
12. I also acknowledge the response from Transport for London (TfL) which outlines that the proposed communication hub is in line with the minimum clearance between the edge of the hub and the kerb, in order to avoid collision with any heavy goods vehicle. It is also outlined that the footway clear zone upon which the communication hub is proposed is 2 metres, which is in line with TfL's Streetscape Guidance, allowing for unhindered pedestrian movement along the footway, and the furniture zone for the communication hub stands at 1.4 metres, which is also in line with TfL's Streetscape Guidance.
13. The Council have raised the issue of pedestrians crossing the road at this point due to the location of the bus stop opposite, and that there would be less visibility as a result. Given that there is a traffic light pedestrian crossing only a short distance from the appeal site, I am not convinced that the installation would result in harmful crossings or a lack of visibility. The impact in terms of visibility is likely to be no greater than the existing installation which is proposed to be removed.
14. In terms of the potential for distraction, the installation would be sited some distance after the crossroad junction and would not add a distraction to drivers negotiating the junction. There are conditions which could be imposed to restrict the changing of images.
15. I therefore conclude that the proposed development and advertisement would not have an unacceptable impact on public safety or highway safety. It would comply with Policies PP1, LP7, LP41 and LP42 of the Hackney Local Development Plan (2020) and Policy D8 of the London Plan (2021). These policies require, amongst other things, that developments prioritise walking and cycling and that advertisements do not cause a physical obstruction to the public realm.

Other Matters

16. The appellant has proposed to relocate the existing cycle parking. There appears to be no planning reason why this is required. Furthermore, the proposed new location is outside the appeal site, presumably on other highway land under the control of the Council. There are also separate legislation and consent regimes for the installation of such street furniture within the adopted highway which are outside of the scope of this appeal and the appellant can pursue this separately. The cycle parking is not a determinative matter in this appeal.

17. I have considered the third-party representation that has been submitted. There is no evidence to suggest that installations such as this result in an increase in anti-social behaviour. Also, the question of need is not a relevant consideration in an appeal of this nature.
18. The matter of lack of public benefits has been raised. Whilst these have not been determinative, the installation of a defibrillator and the provision of communications equipment may be perceived as public benefits in the consideration of the planning appeal.

Conditions

19. I have considered the conditions put forward by the Council and consultees against the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency, clarity and omitted others.
20. In addition to the standard five conditions, it is necessary to impose conditions requiring the development to be implemented within 3 years and to be carried out in accordance with the approved plans.
21. In the interests of highway and public safety, conditions are necessary in relation to the advertisement containing no visual effects, having a minimum display time of 5 seconds, and any change in image being instantaneous.
22. In the interests of amenity, a condition relating to levels of illuminance is also necessary.

Conclusion

23. For the reasons given above and having had regard to all other matters raised, Appeal A and Appeal B should be allowed.

A M Nilsson

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall only be carried out and completed strictly in accordance with the submitted plans hereby approved and any subsequent approval of details.
3. No visual effects of any kind to be permitted to accompany the transition between any two successive messages. The replacement image must not incorporate any fading, swiping or other animated transitional method. No images other than static images to be displayed.
4. The minimum time between successive displayed images shall be 5 seconds.
5. The intensity of the illuminance of the advertisement shall be no greater than 300Cdm² between dusk and dawn.
6. Any change in advertisement display shall be instantaneous.

----- End of Conditions Schedule -----

Appendix 1 List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/U5360/W/25/3359313	Infocus Public Networks Limited
Appeal B	APP/U5360/H/25/3359314	Infocus Public Networks Limited