



Appeal Decision

Site visit made on 2 May 2025 by R Parker BSc (Hons)

Decision by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2025

Appeal Ref: APP/U5360/Z/25/3362649

Pavement o/s 205 Lower Clapton Road, London E5 8EG

- 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 Clear Channel UK against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2024/2609.
 - The advertisement proposed is described as 'Proposed Free-Standing Advertising Council Information Panel with 2no. digital displays, one either side. Display dimensions are H 1635mm x W 924mm. Displays to portray static images that change every 10 seconds.'
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Decision

1. The appeal is allowed, and express consent is granted for the display of 'Free-Standing Advertising Council Information Panel with 2no. digital displays, one either side. Display dimensions H 1635mm x W 924mm. Displays to portray static images that change every 10 seconds' at Pavement o/s 205 Lower Clapton Road, London E5 8EG, in accordance with the terms of the application, Ref 2024/2609, dated 27 November 2024. The consent is for five years from the date of this decision and is subject to the five standard conditions set out Schedule 2 of the 2007 Regulations, and the following additional conditions:
 - 1) The intensity of the luminance of the advertisement hereby granted consent shall be no greater than 300 candela per square metre permitted at night (from dusk until dawn).
 - 2) The advertisement displays shall only show static images and shall not host any moving images, animation, intermittent, or full motion video images. All changes of image shall be instantaneous (less than 1 second).
 - 3) No individual advertisement or image shall be displayed for a duration of less than 10 seconds.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. Having regard to the presented evidence, the proposed unit would replace a previous unit which was removed recently. When I visited the site, there was no advertising unit in situ and I have considered the appeal on this basis.

Main Issues

4. The main issues are the effect of the proposal on the visual amenity of the area, including the Clapton Pond Conservation Area and the adjacent Locally Listed Building, and public safety.

Reasons for the Recommendation

Amenity

5. The appeal site lies within the Clapton Pond Conservation Area (CPCA). The significance of this designated heritage asset derives primarily from its historic, naturally occurring pond, well-landscaped public garden and fine collection of buildings dating from the late 17th, 18th and 19th centuries, which collectively contribute to the area's historic character.
6. The appeal site is located on a section of wide pavement outside 205 Lower Clapton Road, a relatively modest two-storey red brick building with a mansard roof, which has been identified as a locally listed building. The ground floor commercial premises feature modern shopfronts which, together with other unfortunate alterations and additions, such as uPVC windows and aerials, have eroded its significance and thus the contribution it makes to the CPCA.
7. The site's immediate surroundings combine commercial premises with residential space above, and buildings are of varied historical ages. The parade of shops alongside the appeal site are not visually cohesive, and the preponderance of modern fascia signs, shop fronts, and projecting signs detract from the area's overall appearance. Some shops are shuttered, appearing unoccupied, and there are many instances of casual graffiti tagging. While I sympathise with the Council's desire to counteract harm to the CPCA, the street scene is already rather cluttered, including a jumble of modern signage and numerous other visual intrusions, such as street furniture, lighting columns and the aforementioned satellite dishes.
8. As noted above, the locally listed building behind the appeal site makes a very limited contribution to the significance of the CPCA and due to its position behind the ground floor shopfronts would not present as related to the proposal. The appeal unit would be unlikely to stand out within this area of commercial character, and its addition would not detract from the character or appearance of the CPCA. Further, the unit's luminance would adjust to ambient light levels via sensor during the daytime, therefore making it not unacceptably bright or of undue prominence in the street scene.
9. For the above reasons, the appeal proposal would not harm the visual amenity of the area and, as such, would preserve the character and appearance of the CPCA, and the setting of the adjacent locally listed building. Therefore, the proposal would conform to Policies D3 and HC1 of the London Plan (2021) and Policies LP1, LP3, LP4, and LP7 of the Hackney Local Plan 2033 (2020) (Local Plan) so far as they are material.

Public Safety

10. The site lies close to a signal-controlled junction with Cricketfield Road. I saw that vehicular traffic at these signals is heavy, resulting in substantial queues and a stultifying feel to the area, which is dominated by this traffic. However, despite the appeal proposal's proximity to the vehicular carriageway, its unexceptional size and

its siting in an already visually busy commercial environment would make its advertisements and illumination unlikely to distract road users to a great degree.

11. The proposed unit would be sited close to the edge of a wide pavement in line with a stretch of bicycle stands, lamp-, and signposts, as well as other street furniture, such that the outer portion of the pavement is entirely occupied. Pedestrian and wheeled use is limited to the inner portion of the pavement, which is an unobstructed, straight path of reasonable width, providing plenty of space for movement. This space would be unaffected by the proposal.
12. According to the Planning Practice Guidance, while all advertisements are designed to attract attention, those placed where drivers need to be more cautious are more likely to affect public safety. It states that road safety problems are less likely if, among other things, the advertisement is located within a commercial or industrial area and if it is not on the skyline.
13. This section of Lower Clapton Road is subject to a 20mph speed limit, which further reduces any risk of accident or injury by moderation of driver behaviour. It is a wide road, with good visibility for all users and red route and bus lane designations, protecting rush hour visibility further via parking restriction. Additionally, the road curves gently away from the appeal site such that the two are not aligned, and therefore neither sight lines nor visibility for any road user would be impaired by the proposed unit. In the absence of any evidence to demonstrate otherwise, risk to public safety would not be elevated by either the presence or illumination of the proposed unit, subject to conditions to control its luminance and how the images change.
14. For the above reasons the proposed advertisement would not harm public safety in the surrounding area. I have considered the development plan policies insofar as they are relevant to the proposal, and find no conflict with the aims of Policies D8 and T2 of the London Plan and Policies PP1, LP7, and LP42 of the Local Plan. These notably promote walking and cycling and seek to ensure that proposals do not cause a physical obstruction to the public realm.

Conditions

15. The five standard conditions set out in the Regulations should be imposed, and three additional conditions. These are in the interest of preventing harm to the amenity of the area and to public safety. The first condition restricts screen brightness during hours of darkness, the second requires that only static images be displayed, and the third sets a minimum image display period of 10 seconds. These are considered necessary to ensure that the attention of road users is not unduly distracted.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

R Parker

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and agree with my representative's recommendation. On this basis, the appeal is allowed, subject to conditions.

S Edwards

INSPECTOR