



Appeal Decision

Site visit made on 13 November 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 December 2025

Appeal Ref: APP/U5360/Z/25/3362257

FSU 0112-0216, Mare Street, O/S No. 21, Near Andrews Street, Hackney E8 4RP

- 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 Mrs Adele Grogan of Clear Channel UK against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2023/2153.
 - The advertisement proposed is free-standing advertising CIP unit featuring double-sided digital displays measuring 1635mm (H) x 924mm (W) to replace existing/recently removed free-standing advertising CIP unit featuring double-sided internally illuminated 6-sheet displays.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations) and paragraph 141 of the National Planning Policy Framework (the Framework), make clear that advertisements should be subject to control only in the interests of amenity and public safety. I have approached the appeal on this basis.
3. There is inconsistency in the submitted evidence regarding whether the appeal site lies within the Regent's Canal Conservation Area (the CA). The Heritage Impact Assessment (HIA) accompanying the application indicated that the site is adjacent to, but outside of, the CA, and the Council did not dispute this at application stage. For the appeal, the Council provided an extract from the CA appraisal map suggesting the site may fall within the CA, while its updated GIS mapping shows the site outside of it. Both parties have since confirmed that the up-to-date boundary places the site outside, but adjacent to, the CA.
4. Accordingly, the effects of the proposal on the CA's significance must be considered. I have therefore had special regard to the statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the CA.

Main Issues

5. The main issues are the effect of the proposed advertisement on:
 - visual amenity, including whether it would preserve or enhance the character or appearance of the CA; and

- public safety, with specific regard to pedestrian and highway safety.

Reasons

Visual amenity

6. The appeal site forms part of a commercial parade with residential accommodation above. The adjacent commercial units display typical shopfront lighting and signage, but I observed no other examples of digital advertising in the immediate vicinity.
7. The CA derives its overall significance from its role as a distinctive and expansive green corridor stretching along the Regent's Canal, combining historic industrial character with surviving 19th and early 20th century warehouses and associated townscape qualities. It reflects the canal's historic function as a major industrial artery and retains elements that illustrate this heritage, contributing to its architectural and historic interest.
8. The part of the CA near the appeal site is less greened and more urban in character, defined by the busy Mare Street frontage and modern development interspersed with some historic buildings. While this section of the CA includes fewer canal-side industrial remnants, its setting still contributes to the appreciation of the area's historic form and function. The immediate context of the appeal site, however, is largely modern and makes only a minor contribution to the CA's overall significance.
9. The proposal is stated as being for the replacement for a long-standing Free-Standing Advertising Council Information Panel (FSU CIP) previously located at the site. The appellant contends that the FSU CIP was initially consented in 1997 and stood until recently. The proposed unit is submitted as being smaller and more streamlined than the previous display, and that its design, operation, and lighting would comply with modern industry standards.
10. At the time of my site visit, the previous FSU CIP was not in situ, and other than a 2022 photograph provided by the appellant, there is no substantive evidence to confirm when it was last present. Although the historic presence of an advertisement at or near the site is acknowledged, this carries limited weight in my decision given the need to assess the proposal on its current merits and context.
11. Although the appellant highlights that the proposed unit would be smaller than the previous display and would comply with contemporary lighting standards, I remain concerned that it would introduce a conspicuous, attention-grabbing feature in an area where such displays are not typical. The absence of other digital advertisements nearby reinforces my view that the proposal would be an uncharacteristic addition, harming the visual amenity of the streetscene. Its position adjacent to the CA and visible from within it would also diminish the CA's significance. While the appellant argues that the proposal would modernise the streetscape and maintain continuity with previous advertising use, these points do not alter my conclusion. Digital advertising of this nature does not form part of the established character of this section of Mare Street or the adjacent CA, and its introduction would erode those qualities.
12. I accept that the harm to the CA would be at the lower end of the spectrum of "less than substantial", but paragraph 212 of the Framework nevertheless requires that

such harm be given great weight. In accordance with paragraph 215 of the Framework, I have weighed this harm against the public benefits advanced by the appellant, including revenue generation, rationalisation of the advertising estate, and sustainability measures. While these benefits are acknowledged, they are not site-specific and do not outweigh the harm identified, given the significant weight that must be afforded to heritage considerations under the Framework.

13. For these reasons, I conclude that the proposal would fail to preserve the setting of the CA and would cause unacceptable harm to visual amenity. It would therefore conflict with the relevant provisions of the Regulations, Policies D4, D8 and HC1 of the London Plan, March 2021 (the LP), Policies LP1, LP3 and LP7 of the Hackney Local Plan 2033, Strategic Planning, Adopted July 2020 (the HLP), and the relevant provisions of the Framework. Collectively, these policies seek to secure high-quality, contextually responsive design; protect and enhance the historic environment and the significance of designated heritage assets; ensure that development preserves or enhances the character and appearance of Conservation Areas; maintain safe, attractive and uncluttered public realm; and prevent advertisements from causing visual intrusion, clutter, or harm to amenity and heritage significance.

Public safety

14. The appellant refers to the Transport for London (TfL) *Guidance for Digital Roadside Advertising and Proposed Best Practice (2013)* (the TfL Guidance), noting that the retained pavement width would exceed the minimum figures cited in that guidance. Although I acknowledge this point, I have not been provided with the full details of the TfL Guidance, and whilst I attach some weight to it, this is limited to its role as guidance only.
15. Based on my own observations, the local context presents additional considerations. The site lies within a busy pedestrian environment along Mare Street, where footfall is high and movement is already constrained by existing street furniture, including a nearby bus shelter. The proposed unit would be positioned close to a pinch point where the pavement narrows, creating an additional obstacle in an area that is already compromised. Furthermore, the location is opposite the entrance to a residential block, where I observed residents entering and leaving, including families with pushchairs and others using mobility aids, emerging directly onto the footway.
16. Such movements can result in residents and visitors lingering outside the entrance whilst organising belongings or waiting for the door to be answered, periodically obstructing the footway. The introduction of an additional fixed structure in this confined space would further compromise pedestrian movement. As such, even if the retained pavement width technically exceeds TfL's recommended figures, this would not represent an ideal scenario. It would exacerbate congestion and reduce pedestrian comfort and safety in an already confined space, thereby adversely affecting public safety.
17. Mare Street is a busy A-road, and the Council raises concerns that the proposed illuminated display would create a harmful distraction for drivers along this road, close to pedestrian crossings and a bus stop. However, these assertions are not supported by technical evidence such as accident data, traffic flow analysis, or

technical consultee comments. They appear to be based on general assumptions rather than site-specific analysis.

18. The site lies within an established commercial area where illuminated signage and advertising are common features. Although there is a current lack of specific comparable digital signage, the proposed display would be static, with images changing at intervals and the level of illumination following best practice guidance. Notwithstanding my concerns regarding visual amenity, I am not persuaded that the presence of the proposed advertisement would be likely to introduce an unusual or unexpected element that would materially increase the risk to highway safety through distractions or other means. Accordingly, based on the largely anecdotal nature of the Council's case and the commercial character of the locality, I am not persuaded that the proposal would result in harm to highway safety in terms of vehicles and pedestrians using the road and nearby crossing points.
19. In weighing the evidence on public safety, I find that the decisive harm arises from the proposal's physical intrusion into an already constrained footway, where pedestrian movement is compromised by existing activity and street furniture. This harm persists even if TfL's indicative width standards are met, as those figures cannot account for the specific conditions observed on site. While I do not accept the Council's largely anecdotal claims regarding driver distraction, the cumulative effect of the proposal on pedestrian safety leads me to conclude that overall public safety would be adversely affected.
20. For these reasons, I conclude that the proposal would result in harm to public safety and conflict with the relevant provisions of the Regulations, Policy D8 of the LP and Policies PP1, LP7 and LP42 of the HLP which, in respect of this issue, seek to ensure that the public realm is safe, accessible and free from unnecessary street clutter; maintain clear and adequately wide pavements to support pedestrian movement; prioritise walking and cycling by improving permeability and comfort for all users, including vulnerable groups; and prevent advertisements from creating physical obstructions or compromising highway safety.

Conclusion

21. For the reasons given above, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR