Appeal Decision
Site visit made on 19 March 2019
by C J Ford BA (Hons) BTP MRTP
a person appointed by the Secretary of State
Decision date: 09th April 2019

Appeal Ref: APP/U5360/Z/19/3220568
152-162 Mare Street, Hackney, London E8 3RD

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (‘the Regulations’) against a refusal to grant express consent.
- The appeal is made by Mr Ashley Smatt against the decision of the Council of the London Borough of Hackney.
- The application Ref 2018/3950, dated 29 October 2018, was refused by notice dated 12 December 2018.
- The advertisement proposed is a banner on an illustrated scaffold shroud.

Decision
1. The appeal is dismissed.

Preliminary Matters
2. Consent is sought for a temporary period between 7 January 2019 and 28 December 2019. At the time of the site visit, the supporting scaffold had not been erected.

3. The appellant highlights the Council’s reason for refusal incorrectly indicates the proposed advertisement would be illuminated. However, there is a preceding inconsistency in the completion of part 4. of the original application form which indicates that it would not be illuminated but also that it would be externally illuminated. The appeal has been determined on the basis that the proposal would not be illuminated, in accordance with the submitted plans.

4. The parties have drawn attention to development plan policies and national policy and guidance which they consider are relevant to the appeal. Whilst Section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply to advertisements, the policies and guidance have been taken into account, so far as they are material, in accordance with the Regulations.

Main Issue
5. The main issue is the effect of the proposed advertisement on the visual amenity of the area.

Reasons
6. The appeal site is located within the Mare Street Conservation Area (CA), a designated heritage asset where special attention must be paid to the desirability of preserving or enhancing the character or appearance of the CA.
This part of the CA is generally characterised by the busy transport corridor of Mare Street and three storey terraces containing commercial uses on the ground floor with residential accommodation above.

7. Nos 152-162 Mare Street form part of a larger three storey development that curves around the corner on the north side of the sizeable Mare Street/Well Street junction. Hence the appeal site occupies a particularly prominent position in the street scene.

8. Commercial advertisements in the locality are mainly displayed at ground floor fascia level and beneath. High level large advertisement hoardings or displays are not a distinguishing feature of the area. An exception is what appears to be a 48 sheet display, (approximately 3m high and 6m wide) attached to the northern flank of No 162 Mare Street. However, there is no indication in the application history provided by the Council that it benefits from express consent.

9. The proposed advertisement banner would be positioned towards the southern end of the site, above the ground floor commercial premises. At 4.5m high and 12m wide it would have a display area around three times the size of the largest single high level advertisement in the locality.

10. Although the banner would be set within a scaffold shroud with a 1:1 printed image of the first floor and mansard roof of Nos 152-162, it would primarily be observed on the approach to the Mare Street/Well Street junction from the south west. In such views, little of the shroud would be visible owing to the curvature of the building and given the banner would cover the majority of the shroud’s height. Therefore, whilst the banner would technically only amount to a fairly small proportion of the shroud and the scaffolded area, it would not be perceived in that way. The banner would be the dominant feature in the principal views of the site.

11. Consequently, notwithstanding the busy and commercial nature of the area, owing to a combination of its excessive scale, high level positioning and prominent siting, the proposed banner would appear as an unduly dominant, uncharacteristic and visually jarring anomaly in the street scene. The fact it would be unilluminated and set within the shroud would not reduce its adverse impact. It would cause significant harm to the visual amenity of the area.

12. It is acknowledged the proposed shroud would be of superior quality and design to builder’s typical plastic scaffold sheeting. Nevertheless, the benefit of the shroud and the revenue generation towards the building refurbishment works would not outweigh the significant harm arising from the proposed banner, even if it were only displayed for the proposed temporary period. Furthermore, whilst the proposal would support a local charity through dedicating one month of the display period to advertising for the charity free of charge, the Regulations and paragraph 132 of the National Planning Policy Framework 2019 make it clear that advertisements are subject to control only in the interests of amenity and public safety.

13. The five appeal decisions that the appellant has drawn attention to are all located in the City of Westminster. The respective CAs are of a different character, particularly the Leicester Square CA. The appeal proposal has been considered on its own merits and in light of its particular context.

[https://www.gov.uk/planning-inspectorate](https://www.gov.uk/planning-inspectorate)
Conclusion

14. The proposed advertisement would have an unacceptably harmful effect on the visual amenity of the area. It would fail to preserve or enhance the character or appearance of the CA. It would conflict with Policy DM29 of the Council’s Development Management Local Plan 2015 which specifically relates to advertisements. The policy sets out that advertisements should be sensitive to the character of an area through size and siting, especially those areas of historic significance and should not detract from the amenity of the street scene.

15. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

C J Ford

APPOINTED PERSON