Appeal Decision

Site visit made on 10 June 2019 by Andreea Spataru BA (Hons) MA MRTPI

Decision by Susan Ashworth BA (Hons) BPL MRTP\textsuperscript{1} an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 June 2019

Appeal Ref: APP/U5360/Z/19/3229158

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 against a refusal to grant express consent.
- The appeal is made by Mr Chris Baker against the decision of London Borough of Hackney.
- The application Ref 2019/0525, dated 11 February 2019, was refused by notice dated 3 April 2019.
- The advertisement proposed is described as “replacement LED sign (reduction)“.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issue is the effect of the proposal on the visual amenity of the area.

Reasons for the Recommendation

Amenity

4. The Council has drawn my attention to the policies it considers relevant to this appeal and I have taken them into account as a material consideration where relevant. However, powers under the Regulations\textsuperscript{1} to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework and the Planning Practice Guidance reiterates this approach. In my determination of this appeal, the Council’s policies have not therefore, in themselves, been decisive.

5. The appeal site is located within the Mare Street Conservation Area (CA). I am therefore mindful of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the area. A strict control over the display of outdoor advertisements should therefore be maintained.

\textsuperscript{1} The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

https://www.gov.uk/planning-inspectorate
6. The appeal site is the flank wall of an existing three storey building located within a prominent position close to the junction of Mare Street and Well Street. This part of the Mare Street CA is characterised by a busy road and three storey terraces that contain commercial uses at the ground floor and residential accommodation above. Locally listed buildings are located within proximity of the appeal site, on the opposite side of Mare Street.

7. Most of the existing commercial advertisements locally are displayed at ground floor level. High level illuminated advertisement panels are not common within the area. An exception is made by a large externally illuminated advertisement attached to the northern flank of No 162 Mare Street. The submitted plans indicate that the existing advertisement is approximately 3m high and 6m wide. The proposal would be a replacement of this advertisement which I understand does not benefit from express consent. The proposed digital display would be internally illuminated and would be smaller in size than the existing one, approximately 3.2m wide and 4.8m high. It would be positioned on the building in a portrait style rather than horizontally.

8. The appeal sign would be positioned close to the corner of the building at an unusually high level and spanning both the second and third floors. As such it would not reflect the general pattern of advertisements locally or respect the height or scale of the building or the rhythm and pattern of its features. I acknowledge that the proposal, when compared to the existing advertisement, would, to a limited degree, reduce the amount of coverage on the flank wall and that high quality materials are proposed. Nevertheless, it would be a very large structure which would be highly prominent in the street scene and dominant and overbearing to those passing by.

9. I note that there are other sources of illumination and street lighting within proximity of the appeal site. However, given the prominent location of the advertisement, the illuminated changing images would stand out, during both the day and at night, constituting further visual intrusion.

10. The appellant refers to other advertisement displays in the area that he considers are not entirely in keeping with their host buildings. No details of those advertisements have been provided. I am unconvinced on the basis of all I have seen and read that large advertisements are an accepted feature of the locality. Moreover, this appeal has been dealt with on its own merits.

11. I have had regard to the appellant’s comments that the appeal scheme would not have a greater impact on the visual amenity of the area than the existing advertisement, but I nevertheless find that due to its size, position and method of illumination, compounded by the changing images, the advertisement would appear intrusive and discordant, and thereby be detrimental to visual amenity, and would fail to preserve or enhance the character or appearance of the CA.

12. Therefore, for the reasons set out above, the proposed advertisement would have an unacceptably harmful effect on the visual amenity of the area. 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.
Other matter

13. As indicated above, powers to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. Whilst I have noted the Council’s concern regarding the effect of the proposal on the living conditions of future occupiers of the adjacent site 164-170 Mare Street in terms of light pollution, this matter is not determinative in my consideration of the appeal.

Recommendation

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

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector’s Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer’s report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR