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## Appeal Decision

Site visit made on 30 January 2025

by **Paul Martinson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6<sup>th</sup> February 2025

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### Appeal Ref: APP/X5210/Z/24/3355305

### 73-75 Clerkenwell Road, London, EC1R 5BU

- 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 London Lites Ltd against the decision of the Council of the London Borough of Camden.
  - The application Ref is 2024/3234/A.
  - The advertisement proposed is described as: 'One LED Digital Advertisement Display measuring 3.6m wide by 6.37m high integrated into a Living Green Wall. Internally Illuminated and Colours Vary'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Policy Framework (the Framework) state that advertisements should be subject to control only in the interests of amenity and public safety. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest<sup>1</sup>.
3. The appeal site lies within the Hatton Garden Conservation Area (the CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) applies to the exercise of functions under the Planning Acts. I have therefore had special regard to section 72(1) of the Act in so far as it relates to the consideration of 'amenity'.

### Main Issues

4. The main issues are the effect of the proposed advertisement on the amenity of the area and public safety.

### Reasons

#### *Amenity*

5. The CA is characterised by its many robustly detailed industrial, commercial and residential buildings of the late nineteenth to mid twentieth centuries, typically extending to numerous storeys high and interspersed with much more recent development.

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<sup>1</sup> Regulation 3(2) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6. Signage within the CA and along Clerkenwell Road in particular is relatively limited with advertisements predominantly comprising of fascia signs, typically at ground floor level, as at the appeal building. Illuminated signs are not common here, whilst I saw that advertisement panels are rare.
7. The Hatton Garden Conservation Area Appraisal (2017) (the CAA) identifies buildings that make a positive contribution to the CA. They are notable because of their value as local landmarks, positive contribution to the townscape, or as good examples of their type. The CAA identifies the appeal building as a positive contributor. Typical of the CA, this is a six storey building of late nineteenth or early twentieth century character. There are three traditional style shopfronts to the ground floor with fascia signs, one of which is identified as a shopfront of merit in the CAA. Its upper elevations are formed of yellow stock brick with intricate red brick detailing across its façade, including horizontal banding delineating the uppermost floors. This detailing alongside the symmetry arising from the fenestration contributes to an ordered, well balanced and attractive façade that makes a significant positive contribution to the character of the CA.
8. The western facing gable of the appeal building faces onto a vacant site lying between it and the gable of 79 Clerkenwell Road. I saw this was being used for parking motorised scooters in connection with an adjacent retail unit. The gable of the appeal building is highly visible within the streetscene when travelling east along Clerkenwell Road. Currently partially rendered and with graffiti to its lower walls, both parties agree that whilst the appeal building is a positive contributor to the CA, the west elevation is in a visually poor condition at present.
9. The proposed new advertisement would be fixed to the edge of this elevation and angled to face the oncoming eastbound traffic. Its internally illuminated display would be set 3.1 metres above ground level. The overall advertisement itself would be in excess of 6 metres in height, resulting in a sizeable and somewhat bulky structure in a prominent position and within a location where advertisements are more limited, particularly in terms of illumination. In that regard, the structure would be even more prominent after dark, having regard to the lack of similarly illuminated signage in the vicinity.
10. Furthermore, owing to its position on the building, it would be seen in the context of its front façade. Spanning the floors, the structure as a whole would be poorly aligned with the clear definition already present within this elevation, to the detriment of its ordered and well-balanced appearance. For these reasons the proposal would amount to the provision of an incongruous and dominant structure that would adversely affect the character and appearance of the CA, to the detriment of visual amenity.
11. The appellant has directed me to a grant of advertisement consent<sup>2</sup> for a similar advertisement display at 96-100 Clerkenwell Road which lies in the London Borough of Islington. I could see no evidence of such a sign here and I am not provided with any details of that approval which limits the weight I can attribute to this evidence.
12. The appellant refers to the installation of a living wall and associated visual enhancement that would arise. The plans also show the replacement of a fence with a new larch board fence. However, I have no means of securing these

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<sup>2</sup> Ref 14/AP/4288.

elements as part of any grant of advertisement consent. I can therefore give them only limited weight.

13. For the above reasons, the proposal would adversely affect the visual amenity of the area. I have taken into account contrary to Policies D1, D2 and D4 of the Camden Local Plan (2017) (the LP) which seek to protect visual amenity and so are material in this case. Given I have concluded that the proposal would harm visual amenity, the proposal conflicts with these policies.

### *Public Safety*

14. The appeal site lies close to the junction of Clerkenwell Road with Saffron Hill and Herbal Hill. This junction is marked by traffic lights. A junction with Farringdon Road lies further east which also includes traffic lights. The road includes a cycle lane in both directions. The pavements are wide and I observed a moderate amount of pedestrian traffic. A pedestrian crossing lies further west along Clerkenwell Road. Owing to the nature of the road and the frequency of junctions along it, I observed that vehicle speeds were low and traffic levels were relatively high. However, there is no evidence before me which suggests that either the junction or Clerkenwell Road in the immediate vicinity of the appeal building is inherently dangerous or prone to accidents.
15. Due to its position, the advertisement would only be visible to motorists travelling eastbound along Clerkenwell Road. Taking into account the considerable stretch of straight road leading to the junction, and its position aligned towards the road, I am satisfied that it would be visible for a reasonable distance in views from within a vehicle approaching the junction. As such, there would be sufficient time for the illuminated advertisement to be seen by drivers without it causing any confusion or sudden distraction on the approach to the junction.
16. I acknowledge that the nature of the proposed advertisement would provide some degree of distraction, particularly after dark. However, given that drivers would have sufficient time to observe its contents, it would be highly unlikely to divert their attention to the extent that they would not pay due attention to the surrounding highway environment and potential risks. I therefore do not consider that proposed advertisement would amount to an unacceptable effect on the safety of motorists, cyclists or pedestrians using the highway in the vicinity of the site.
17. I therefore conclude that that the advertisement would not significantly harm public safety. In its reasons for refusal, the Council cited Policies A1, D4 and T1 of the LP, which together seek to ensure that proposals for advertisements have regard to the potential impact on highway safety. I have taken into account these policies, but I have not found a conflict with public safety.

### **Conclusion**

18. Although I have found that the advertisement would not have an unacceptable impact on public safety, it would harm the visual amenity of the area. For the reasons given above the appeal is dismissed.

*Paul Martinson*

INSPECTOR