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# Appeal Decision

Site visit made on 10 June 2014

**by David Leeming**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 13 June 2014**

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**Appeal Ref: APP/E5900 /H/14/2213749**  
**Eyediology, 79 Commercial Street, London E1 6BD**

- 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 R Moseley, Eyediology against the decision of the Council of the London Borough of Tower Hamlets.
  - The application Ref PA/13/02448, dated 3 October 2013, was refused by notice dated 16 December 2013.
  - The advertisement proposed is a scaffold safety screen incorporating an externally illuminated advertisement.
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## Decision

1. The appeal is allowed and express consent is granted for the display of the scaffold safety screen incorporating an externally illuminated advertisement as applied for. The consent is for a maximum period of 9 months and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
  - 1) The express consent hereby granted shall begin on the date of the erection of the scaffold safety screen or by not later than 6 months from the date of this decision, whichever is the earlier.
  - 2) Written notice shall be given to the Council of the date of erection of the safety scaffold shroud within 7 days of that erection.
  - 3) The advertisement shroud shall be removed at the end of the temporary period of express consent or when external refurbishment works to the building have been completed, whichever is the earlier.
  - 4) The maximum luminance of the display shall not exceed 385cd/m<sup>2</sup>.
  - 5) The advertisement shall not be displayed in illuminated form between the hours of 00:00 and 06:00 on any day.

## Main Issues

2. The main issues are the effect of the proposed temporary display on public safety and visual amenity.

## Reasons

3. On the issue of public safety, although the display would be in close proximity to a traffic light controlled pedestrian crossing, it would be sited above the height of the signals and visible over a reasonable distance in the approach

- from the north in advance of the crossing. Thus the position of the advertisement would not result in drivers being unable to see and interpret the traffic signals; and they would be aware of its presence before reaching the crossing. As a result, the display would be unlikely to distract drivers in the vicinity who were taking reasonable care for their own safety and that of others. It would thus not be against the interests of public safety or contrary to the aims of Policy SP09 of the Council's Core Strategy and Policy DM23 in the Council's Managing Development Document.
4. As to visual amenity, specific mention is made in the Government's Planning Practice Guidance to shroud and large 'wrap' advertisements. The Guidance states that buildings which are being renovated or are undergoing major structural work and which have scaffolding or netting around them may be considered suitable as temporary sites for shroud advertisements or large 'wrap' advertisements covering the face, or part of the face, of a building.
  5. The site is within the Wentworth Street Conservation Area but the character is that of mainly mixed commercial development. In this case, the proposed advertisement, at 10.6m by 9.2m, would be a substantial feature on the scaffold safety screen, partly wrapping around the splay corner of the host building. The return section, to Toynbee Street, would however be a plain white micro mesh. Notwithstanding the size and height of the advertisement, it would appear in a street where there is other high level advertising, including a 48-sheet panel above the frontage of a nearby shop on Toynbee Street and a large illuminated advertisement unit on the upper flank wall at No.65 (?) Commercial Street.
  6. On balance, having regard to the above, the proposed advertisement, as an obviously temporary feature during the course of renovation work to the building, would not appear visually incongruous or, as part of the scaffold screen, stand out with undue prominence in the street scene. The character and appearance of the Conservation Area would thus not be materially harmed by its temporary presence. The display would not therefore be contrary to the aims of Policy SP10 in the Core Strategy and Policies DM23 and DM24 of the Council's Managing Development Document.
  7. No conditions have been suggested. However, given the uncertainty as to when the scaffold screen will be erected and having regard to regulation 14(8) of the Regulations, it is necessary to attach conditions in relation to the period of consent. Further conditions are also being imposed to ensure that the intensity and hours of illumination are within acceptable bounds. Subject to these conditions the appeal is being allowed.

*David Leeming*

INSPECTOR