
Appeal Decision

Site visit made on 18 July 2017

by Katie McDonald MSc MRTPI

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

Decision date: 10th August 2017

Appeal Ref: APP/U5930/Z/17/3177689
877 High Road, Leytonstone EH11 1HR

- 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 S Arslan (Torch Outdoor) against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 164156, dated 22 December 2016, was refused by notice dated 10 April 2017.
 - The advertisement proposed is 48 sheet digital display unit to replace the existing 48 sheet backlit unit.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development upon the amenity of the area, including the setting of a non-designated heritage asset.

Reasons

3. The appeal site is a three storey semi-detached building, in a busy and predominantly commercial high street, being at the northern end of High Road. A 48 sheet illuminated hoarding is already in situ, and as agreed by both parties, has been in place for some time.
4. The commercial buildings surrounding the site feature a variety of advertisements, most located at ground floor or fascia height; with the exception of the appeal site and the opposing gable of the appeal building, which also features a 48 sheet hoarding. Adjacent to the site is a locally listed building, the Moreia Welsh Church. It is therefore a non-designated heritage asset for the purposes of the National Planning Policy Framework (the Framework). The Church is an imposing, post war, brick structure set within its own grounds.
5. The appeal proposal seeks consent for a 48 sheet digital display advertisement unit that will replace the existing advertisement. The proposal would have a luminance level of up to 8,000 cd/m² during the day, although I recognise the luminance levels could be reduced to 300cd/m² at night by condition. Contrary to the application form, the appellant has detailed that the illumination would be static, not intermittent, with a display that changes every 10 seconds.

6. Having had regard to the guidance contained within The Professional Lighting Guide No 5 'The Brightness of Illuminated Advertisements' (2014), whilst I appreciate that the proposal would replace the existing advertisement; its prominence would be significantly increased by its extremely high luminance levels during the day and the frequently changing images. Although the same size as the existing hoarding, its close proximity to the locally listed building and its modern form of advertising would create a strong juxtaposition, drawing the eye to the advertisement and detracting from the setting and character of the Moreia Welsh Church.
7. As a result, and given its size and siting at high level, it would have a detrimental and dominant impact upon the amenity of the area. In particular, it would be harmful to the setting and significance of the non-designated heritage asset.
8. I conclude, therefore, that the proposed advertisement would have a harmful effect on the amenity of the area, including the setting of a non-designated heritage asset. As such it would conflict with Policies DM28 and DM29 of the London Borough of Waltham Forest Development Management Policies Local Plan (October 2013) and Policies CS12, CS14 and CS15 of the Waltham Forest Local Plan Core Strategy (March 2012). These policies seek, amongst other things, to protect amenity and enhance heritage assets and so are material in this case.
9. The proposal would also conflict with the Framework and Planning Practice Guidance, which detail that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. In considering the proposal in the context of sustainable development, the proposal would not meet the 'environment' aims due to its impact upon the amenity of the area.

Other matters

10. I note that the appellant has suggested other conditions relating to the control of moving and flashing images and the display of an advertisement for no less than 10 seconds. I have considered the development on the basis that the conditions would be in place and I have still found there to be harm as set out above. Such conditions would not therefore be necessary or reasonable.
11. I also note that the development may contribute to the economy; however, this benefit would not outweigh the identified harm.

Conclusion

12. Having had regard to all other matters raised, and for the reasons above, I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR