
Appeal Decision

Site visit made on 17 December 2019

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 January 2020

Appeal Ref: APP/U5930/Z/19/3233678

8 Hoe Street, Walthamstow E17 4PH

- 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 Ben Porte (Clear Channel UK) against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 191110, dated 1 April 2019, was refused by notice dated 11 July 2019.
 - The advertisement proposed is installation of internally illuminated 48-sheet digital display measuring 6m by 3m.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant states that the proposed advertisement would be electronic with its internal illumination and ability to change images derived from its LED display. The appellant advances additional conditions to the standard conditions under Schedule 2 of the Regulations¹ to secure the operation of the display.
3. Images would be static and would not contain any movement or animation. The advertisement would not change more frequently than once every 10 seconds and the changeover would be instantaneous. There would be no sequencing of messages relating to the same product. The display's luminance would accord with guidance produced by the Institute of Lighting Professionals² and the screen would not be illuminated during the hours of 23:00-06:00. I have determined the appeal on this basis.
4. In accordance with Regulation 3, paragraph 132 of the National Planning Policy Framework ('Framework') and the Planning Practice Guidance ('PPG'), I have considered solely matters of amenity and public safety. In that context I have taken account, as material considerations, of relevant provisions of the development plan, namely Policy DM29 of the Waltham Forest Local Plan Development Management Policies 2013 ('DMP').

Main Issues

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

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

² Professional Lighting Guide (PLG 05); Brightness of Illuminated Advertisements (January 2015)

Reasons

Amenity

6. The proposed advertisement would be sited adjacent to No 8 Hoe Street, a 2 storey end-of-terrace property, which has a mural on its northern side elevation. It would be in a prominent position close to a busy road junction. The locality has a mixed character and includes residential, retail, commercial and leisure uses.
7. There are various advertisements in the area, however they are generally modest shopfront signs that relate to the business carried on at the premises. The proposed advertisement, by contrast, would be large and would cover a significant proportion of the side elevation of No 8 Hoe Street. It would therefore appear out-of-scale with the modest adjacent building and fail to respect the context of the site.
8. Consequently, the proposed advertisement, owing to its prominent position and its excessive size, would appear obtrusive and would therefore be harmful to the visual amenity of the area.
9. I acknowledge that there is a large poster advertisement on the side elevation of No 9a Hoe Street, however the proposed advertisement would be in a more prominent position adjacent to a road junction. In any event, I have determined the proposal on its own merits and the presence of existing advertisements does not justify harm to the visual amenity of the area.
10. The parties agree that previously there were 2no 48 sheet internally illuminated scrolling poster advertisements positioned adjacent to No 8 Hoe Street, which benefited from deemed consent under Class 13, Part 1, Schedule 3 of the Regulations. However, as these advertisements are no longer present at the site and are not part of the existing characteristics of the locality, I have given this consideration minimal weight.
11. I have taken into account Policy DM29 of the DMP, which seek to protect visual amenity and so is material in this case. Given I have concluded that the proposal would harm visual amenity, the proposal conflicts with this policy.

Public safety

12. The PPG emphasises that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. It highlights the main types of advertisement which may cause danger to road users. This includes those, which, because of their size or siting, would obstruct or confuse a road user's view, or reduce the clarity or effectiveness of a traffic sign or signal.
13. The proposed advertisement would be located adjacent to the busy crossroads junction where the A112 Hoe Street/Chingford Road intersects the A503 Forest Road. The crossroads junction itself is marked out as a box junction and is signalised, including pedestrian crossings. I observed that the crossings were frequently used by pedestrians, which is largely due to the retail units and residential properties in the area.
14. When travelling in a westbound direction along Forest Road, the proposed advertisement would be visible beyond the left-hand traffic signal at the road

junction. The electronic/digital nature of the images that would be shown, in terms of their high resolution and digital colour tones, would appear unduly prominent behind the traffic signal and would distract attention at a point where drivers need to take more care. It would be particularly harmful when advertisements would display colours that are similar to those of the traffic signal. As such, the clarity and effectiveness of the traffic signal would be likely to be reduced. I therefore find that the proposed advertisement would pose an unacceptable risk to public safety.

15. I have had regard to the appellant's statement that there are clear road markings; there is a 20mph speed limit; and high traffic volumes mean traffic is either slowing down or stationary. However, these considerations would not overcome my concerns in respect of public safety.
16. Whilst the proposed advertisement would be positioned where a 48-sheet scrolling poster sign was previously sited, it would be different in terms of its digital display. Nevertheless, the previous advertisement has been removed and I have determined the appeal on its own merits.
17. I have taken into account Policy DM29 of the DMP, which seeks to prevent advertisements that by reason of their nature, location and size would be a hazard to public safety. Given I have concluded that the proposal would harm public safety, the proposal would conflict with this Policy.

Other Matters

18. I have had regard to the appellant's statement that the proposed LED display would be more efficient than poster signs. However, advertisements should only be subject to control only in the interests of amenity and public safety. There is no indication in the Regulations, Framework or PPG that any other factors can be taken into account either for, or against, a proposal.

Conclusion

19. For the above reasons, having had regard to the relevant provisions of statute, the development plan, the approach in the Framework, and to all other relevant material considerations, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR