



Appeal Decision

Site visit made on 18 February 2020

by **K Savage BA MPlan MRTPI**

Decision date: 16 March 2020

Appeal Ref: APP/Z5060/Z/19/3239818

264 Rainham Road South, Dagenham RM10 7UU

- 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 GWR Property Co Ltd against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 19/01071/ADV, dated 21 June 2019, was refused by notice dated 7 October 2019.
 - The advertisement proposed was originally described as 'Upgrade of internally illuminated poster advertisement panel measuring 6 metres by 3 metres (known as a 48 sheet) with 1 no. 48 sheet internally illuminated digital display and associated logo box.'
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Decision

1. The appeal is allowed and consent for the display of 1 no. 48 sheet internally illuminated digital display and associated logo box at 264 Rainham Road South, Dagenham RM10 7UU is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out in the attached Schedule.

Preliminary Matters

2. The National Planning Policy Framework's (the Framework) guidance on advertisement control sets out that the powers under the current Regulations to control advertisements may be exercised only in the interests of amenity and public safety. In this context, the development plan policies referred to by the Council have been treated as material considerations.
3. The Council has not raised issues of public safety, and I have no reason to object on these grounds.
4. The appellant's original description of development refers to the 'upgrade' of an internally illuminated poster advertisement panel. However, it was clear at my site visit that there was no advertisement being displayed at the appeal site. The appellant confirms that a previous advertisement displayed for several years was removed on 20 December 2018. While the Council amended the description only by substituting the word 'replacement' for the word 'upgrade', I consider that the proposal is most accurately described by reference only to the proposed advertisement, which I have reflected in my formal decision.

Main Issue

5. The main issue is the effect of the proposed advertisement on the visual amenity of the surrounding area.

Reasons

6. The advertisement would be located on the side elevation of a café at the end of a short commercial parade. Adjacent to the site and extending to the south are three storey blocks of flats with front balconies, set back from the road behind an open, grassed area. Rainham Road South is a principal route through the Borough and the immediate surrounds of the appeal site include a number of commercial operations displaying advertisements, including the premises within the parade to the north and a petrol station and the substantial Gold's Gym building to the south. Opposite the appeal site are signs for units within an industrial estate, a furniture warehouse and an electrical distributor.
7. The advertisement would be seen within this primarily commercial context along the road corridor. Given the relatively open surroundings created by the wide thoroughfare and the recessed position of the blocks of flats, the advertisement, though larger than others, would not appear incongruous or unduly dominant in this particular street scene. Moreover, it would be set perpendicular to the nearest residential properties, and the appellant has indicated that the strength and hours of illumination would be restricted to prevent visual intrusion during hours of darkness. I am satisfied that the illumination of the advert would not be intrusive in these circumstances.
8. I conclude that the proposal would not materially harm the visual amenity of the area, and would be consistent with national policy set out the Framework, and with the aims of Policies BP7 and BP11 of the Borough Wide Development Policies Development Plan Document (March 2011) to provide attractive public spaces, including signage, and to permit advertisement hoardings where they do not harm the visual amenity of residential areas, complement the visual appearance of the commercial area and relate properly to the building on which they are displayed.
9. The Council has not suggested any conditions beyond those which the Regulations impose as standard. The appellant has suggested several conditions restricting hours and levels of illumination and how images are displayed. The Planning Practice Guidance (PPG) advises that advertisements that are illuminated, incorporate frequent changes of display or moving elements, or require close study are more likely to cause a distraction to motorists. Given the advertisement would be adjacent to a main thoroughfare, conditions are necessary to ensure its operation does not cause distraction to drivers and compromise highway safety. Where necessary, I have amended the wording of the conditions to ensure they meet the tests set out in the Framework and PPG. The appellant's suggested restriction on the level of illumination 'at night' is imprecise. Therefore, I have amended the condition to require illumination in accordance with recognised guidance of the Institute of Lighting Professionals.

Conclusion

10. For the reasons given, the appeal is allowed.

K. Savage

INSPECTOR

SCHEDULE OF CONDITIONS IN ADDITION TO THOSE SET OUT IN THE REGULATIONS¹

- 1) The intensity of the illumination of the advertisement hereby permitted shall be within that recommended by the Institute of Lighting Professionals for a sign within Zone E3 in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide).
- 2) The advertisement hereby permitted shall not be illuminated between the hours of 00:00 and 06:00 on any day.
- 3) The sequential change to the display of advertisements shall not change more than once every 10 seconds.
- 4) Any sequential change between advertisements shall take place over a period no greater than one second.
- 5) The advertisement hereby permitted shall not display any moving, or apparently moving images at any time.

¹ Schedule 2 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)