



Appeal Decision

Site visit made on 30 June 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2020

Appeal Ref: APP/U5930/Z/19/3243688

20 High Road Leyton, Stratford E15 2BP

- 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 Jack Ellis (WYG) against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 192881, dated 27 September 2019, was refused by notice dated 25 November 2019.
 - The advertisement proposed is described as the "Conversion of posted advertisement display to digital poster".
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Decision

1. The appeal is allowed, and express consent is granted for the conversion of posted advertisement display to digital poster at 20 High Road Leyton, Stratford E15 2BP. 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 following additional conditions:
 - 1) The digital poster hereby approved shall operate at an illumination level no greater than 300 cd/m² during the day and 200 cd/m² during the night. The display shall be switched off between the hours of 0000hrs (midnight) and 0500hrs.
 - 2) The display hereby approved shall include static images only. The interval between successive images shall be 0.1 seconds or less and the complete screen shall change. There shall be no visual effects between successive images and the display shall include a mechanism to freeze or turn off the screen in the event of a malfunction. Each image shall be displayed for at least 10 seconds. Message sequencing or interactive messages shall not be used.

Main Issues

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), the National Planning Policy Framework (the Framework) and the Planning Practice Guidance all make it clear that advertisements should be subject to control only in the interests of amenity and public safety. The Council raises no objection on safety grounds, and I have no reason to take a different view. Therefore, the main issue is the effect of the proposed advertisement on amenity, principally that of local residents and the character of the area.

Reasons

3. The proposal seeks to replace an existing advert that is located on the side elevation of 20 High Road Leyton which is visible from Drapers Road. The area is urban and is generally residential in character, although there are clusters of commercial and retail properties in the immediate vicinity. Opposite the appeal site is a residential apartment block known as Turners Court. The existing advert is not illuminated and is of a typical paper sheet poster style. The proposal seeks to replace it with a digital advert that by its very nature would be illuminated.
4. High Road Leyton is a busy thoroughfare and as an urban location with much activity, it would not be out of place to see digitally illuminated advertising. The proposed digital advertisement would be of a similar size to the sign it replaces. Nevertheless, the introduction of illumination, sequential digital images and the more robust design of the digital display structure would be somewhat more prominent in its immediate setting than the existing sign. However, despite its purpose, I consider that the digital advertisement, as a replacement of an existing similarly placed sign, would not be a significant feature within the street. Moreover, owing to the site's context in a busy urban environment with streetlamps, bus stops, traffic signals and other signage in the vicinity, the advert would not look out of place. Consequently, I do not find that the proposed digital advertisement would be obtrusive or have a harmful effect on the character of the area.
5. Turning to the effect of the advert on the living conditions of adjoining occupiers, there would be no discernible difference between the existing advert and the proposal during the daytime. It would be the contrast between the existing non illuminated advert and the proposed illumination which would be limited in the evening and hours of darkness. With regard to 20 High Road Leyton, the windows in the side elevation of the property which sit adjacent to the advert are set back, and thus would not be readily affected by the proposal.
6. With regard to Turners Court opposite the appeal site, there are trees that sit between the two areas thereby screening the advert from the properties within the building. I am conscious that the trees would shed their leaves in winter and the appellant has proposed a reduction in daylight luminance to 300 candela/m², which would be further reduced to 200 candela/m² during the night. These figures are significantly below the recommended maximum luminance levels for urban areas as set out in the guidance published by the Institute of Lighting Professionals. It is also proposed to set the time of operation to between 0500hrs and 0000hrs and to restrict the display to static images without special effects. Although the sign would be visible to neighbours, the measures proposed by the appellant in terms of luminance levels and the timing and method of operation would be sufficient to ensure that there is no harm to the living conditions of adjoining residents, by virtue of light pollution or poor outlook, most of whom are likely to have their curtains or blinds shut after dusk in any event.
7. I have had regard to Policies CS13 and CS15 of the London Borough of Waltham Forest Local Plan Core Strategy 2012, Policies DM4, DM23, DM29 and DM32 of the London Borough of Waltham Forest Development Management Policies Local Plan 2013 and Policy 7.4 of the London Plan 2015, which require

that decisions contribute to achieving high quality places and meet appropriate environmental standards to ensure a satisfactory amenity is provided for surrounding occupiers. However, I find that the proposed digital advertisement would not have an unacceptable effect on amenity. Nor do I find conflict with the Framework in so far as it relates to the design of advertisements.

Conditions

8. Consent is granted subject to the standard conditions set out in Schedule 2 of the Regulations. Although I have considered the conditions as suggested by the Council, the appellant's suggestions more accurately reflect the those required for this type of display and achieve a similar aim. I have however, amended the conditions for clarity and concision, which are necessary in the interests of safeguarding the amenity of the area.

Conclusion

9. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is allowed.

Graham Wyatt

INSPECTOR