



Appeal Decision

Site visit made on 9 November 2021 by Thomas Courtney BA(Hons) MA

Decision by Nick Davies BSc (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2021

Appeal Ref: APP/E5900/Z/21/3276220

562 Mile End Road, London, E3 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 Mark Wilkinson against the decision of the London Borough of Tower Hamlets Council.
 - The application Ref PA/21/00547, dated 12 March 2021, was refused by notice dated 6 May 2021.
 - The advertisement proposed is the erection of 1x temporary advertising banner on flank wall externally illuminated by low energy external LED floodlighting.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. In the interest of accuracy and conciseness, the description of development in the header above is based on the decision notice.
4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 make it clear that advertisements are subject to control only in the interest of amenity and public safety. The Council has drawn my attention to Policy D.DH10 of the London Borough of Tower Hamlets Local Plan 2031 (the Local Plan) which it considers to be relevant to this appeal. Whilst Section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply to advertisements, I have taken the relevant policy in the Local Plan into account when material to this appeal.

Main Issue

5. The main issue is the effect of the advertisement on public safety.

Reasons for the Recommendation

6. The appeal site is located at the intersection of Mile End Road (A11) and Burdett Road. The advert would be sited at an elevated position on the flank wall of No.562. It would be located directly opposite a double pedestrian crossing.

7. The Council considers that the proposal would be a distracting feature to drivers and pedestrians. Furthermore, Transport for London (TfL) raised concerns relating to the impact of the advertisement on highway safety owing to its proposed location at a busy junction with fast moving traffic.
8. I recognise the advert would be static, but the elevated siting and considerable size of the illuminated advertisement at this busy junction, directly opposite the pedestrian crossing, would create a disorderly and distracting roadside environment. Although the evidence indicates that advertisements have been displayed at this location in the past, the proposed advert is large and wide, and would be illuminated with LED floodlights. It would thus appear more prominently within the streetscene as compared to previous adverts.
9. Mile End Road is a busy arterial road with heavy vehicular traffic and used by a significant number of cyclists. Due to the proximity of Mile End Underground Station, the pedestrian crossing at the junction with Burdett Road is also used by a significantly high number of pedestrians at peak times.
10. The appellant's Transport Technical Note analyses the Personal Injury Accident (PIA) data for the junction and contends that there is no evidential link between advertising and accidents in the area, as only two recorded PIAs in the 17.5-year period mention driver distraction (outside vehicle) as a causation factor. I note, however, that a significant proportion of the accidents were also attributed to road users failing to look properly, which could be caused by distraction. Whilst the Technical Note identifies that the lowest number of accidents occurred in 2016, when a previous advertisement was in place, it is also the case that the highest number occurred in 2014, when a previous advertisement was also in place.
11. The Transport Technical Note identifies a total of 269 PIAs at the junction, at an average rate of 15 per year, which indicates that it is not an inherently safe highway environment. The introduction of this large, illuminated feature would be an added distraction. Whilst the luminance of the advert could be controlled with a suitable condition, the introduction of such a large, illuminated advertising panel would nevertheless still constitute a visual intrusion which would cause a hazard to road users. Consequently, I am not satisfied that the proposed advertisement would adequately maintain the safety of drivers and pedestrians at this busy junction.
12. My attention has been drawn to an appeal decision where an Inspector allowed advertisements on Chiswick Roundabout. I have not been provided with full details of that case, but the specific site characteristics do not appear to be comparable. The junction of Mile End Road and Burdett Road is more central, which, together with the proximity of the Underground Station, is likely to result in a higher pedestrian footfall and number of cyclists. The appeal decision does not, therefore, carry any significant weight in favour of the proposal.
13. For the above reasons, I conclude that the proposed development would be harmful to public safety. In arriving at this conclusion, I have taken into account Policy D.DH10 of the Local Plan which seeks to ensure advertisements do not adversely affect highway safety.

Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Nick Davies

INSPECTOR