



Appeal Decision

Site visit made on 7 December 2021 by Thomas Courtney BA(Hons) MA

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2022

Appeal Ref: APP/Z5060/Z/21/3280435

796 Ripple Road, Barking IG11 0TT

- 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 Ltd) against the decision of the London Borough of Barking & Dagenham Council.
 - The application Ref 21/01095/ADVERT, dated 14 June 2021, was refused by notice dated 3 August 2021.
 - The advertisement proposed is the replacement of existing poster display with an illuminated (3.165m x 6.207m) Digital Poster display.
-

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 the proposal 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 various policies which it considers to be relevant to this appeal. These include policies from the Barking & Dagenham Local Development Framework Core Strategy (the 'Core Strategy'), the Local Development Framework Borough Wide Development Plan Document (the 'Local Plan'), the London Plan (2021), as well as draft policies from the emerging Regulation 19 Draft Local Plan. However, whilst S38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 does not apply to advertisements, I have taken the relevant policies into account where material to this appeal.

Main Issues

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

Reasons for the Recommendation

6. The appeal site is located on the south side of Ripple Road (A13) which is a busy three-lane carriageway with heavy levels of vehicular traffic. The advertisement would be sited at an elevated position adjacent to the exit road for the Texaco petrol filling station.

Public Safety

7. The Planning Practice Guidance (PPG) states that all advertisements are intended to attract attention, with those proposed at points where drivers need to take more care being more likely to affect public safety. Furthermore, it advises that the main types of advertisement which may cause danger to road users are those that obstruct or impair sight-lines at a junction, or at any point of access to a highway, and those which, because their size or siting, would obstruct or confuse a road-user's view. The PPG also states that externally or internally illuminated advertisements which are subject to frequent changes of the display are likely to distract road users.
7. The elevated siting and illuminated nature of the advertisement at this busy location, directly opposite the petrol station's exit road, would result in a more prominent form of advertising compared to the existing display, and would create a disorderly and distracting feature in this roadside environment.
8. Drivers travelling along this busy 3 lane highway are likely to be distracted by the proposed advertisement and its changing imagery at a point in the highway when high levels of concentration are required, with vehicles slowing down to access the petrol station and those exiting the petrol station onto the A13. Any lapse in concentration caused by the advertisement from either drivers exiting the access or within the carriageway is likely to result in an accident, thereby causing harm to public safety. The time lapse between the advertisement material and level of luminance proposed would not mitigate the harm identified.
9. My attention has been drawn to other internally illuminated 48-sheet digital displays granted consent on Ripple Road (application No. 20/00074/ADV). The specific site characteristics do not appear to be comparable to the proposal before me and the reference to this application does not, therefore, carry any significant weight in favour of the proposal.
10. Given the above, I conclude that the proposed advertisement would negatively impact public safety. I have taken into account Policy BP7 of the Local Plan which seeks to ensure advertisements do not present a safety hazard to traffic and Policy D8 of the London Plan (2021) which seeks to ensure the public realm is well-designed and safe.

Amenity

11. The area surrounding the appeal site is characterised by industrial and commercial uses and I note the presence of numerous advertisement hoardings along this stretch of the A13. In this context the new advertisement would not appear out of place and although it would be prominent on account of its size and design, I do not find it would constitute a discordant or incongruous feature in the streetscene.

12. The Fountain Redeemed Christian Church of God is located to the west of the proposed advertisement. From this property the rear of the advertisement would be visible and would be viewed in the context of the buildings at the petrol filling station, including its tall canopy over the pumps. As a consequence, I am satisfied that the proposal would result in no harm to the amenities currently enjoyed by users of this building.
13. Given the above, the proposal would not be harmful to the visual amenity of the area. I have taken into account Policy BP7 of the Local Plan which seeks to ensure advertisements do not detract from the character and amenity of the area in which they are located.

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, I agree that the appeal should be dismissed.

RC Kirby

INSPECTOR