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## Appeal Decision

Site visit made on 19<sup>th</sup> May 2022

by **Megan Thomas Q.C.** Barrister-at-Law

an Inspector appointed by the Secretary of State

Decision date: 24 June 2022

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### Appeal Ref: APP/E5330/Z/22/3294646

#### Land at Junction of Horn Lane and Woolwich Road, London

- 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 Robert Bordi against the decision of the Royal Borough Council of Greenwich.
  - The application Ref 21/3544/A, dated 1<sup>st</sup> October 2021, was refused by notice dated 31 January 2022.
  - The advertisement proposed is 2 x double-sided freestanding pole mount LED advertising displays each showing sequential static displays. 4 panels in total.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in the appeal are the effect of the advertisements on amenity and on the setting of designated and non-designated heritage assets, and the effect of the advertisements on public safety.

### Reasons

#### *Amenity*

3. The 2007 Regulations require that decisions be made only in the interests of amenity and, where applicable, public safety.
4. The proposed development would consist of the construction of two freestanding double-sided pole mounted internally illuminated LED advertising displays each showing sequential static displays. The proposed height of each tower from ground floor level including the display panels and frames would be in the region of 22 metres. The rectangular framed display panels at the top (arranged back-to-back in a V-shape) would be about 5.3 metres wide and 8.5 metres long and about (maximum) 3.8m deep. The intensity of the illumination would not exceed 600 cd/m<sup>2</sup> during the day and 300 cd/m<sup>2</sup> during the hours of darkness. The illumination would be static as opposed to intermittent. The changeover between adverts would take place on a rotation of six per minute as a maximum and would happen instantaneously.
5. One tower would be situated to the west of the Blackwall Tunnel Southern Approach Road flyover (A102) and one would be situated to the east. The

- advertisements would be visible to, amongst others, road users on the elevated flyover. I shall refer to the whole structures as Tower A (west side) and Tower B (east side).
6. The road arrangement consists of slip roads connecting the elevated flyover to the ground level roads and traffic circulating under and around the flyover to make north/south/east/west movements across the area.
  7. Tower A would be on a grassed area of land to the north of Woolwich Road adjacent to the Old Fire Station Apartments. The Greenwich Library is situated to the west of the Old Fire Station separated from it by Tunnel Avenue. The Angerstein Hotel and Public House is situated opposite the Old Fire Station to the south, separated by Woolwich Road. Tower B would be on a grassed area immediately to the east of Horn Lane. The land uses in the area are a mixture of residential, infrastructure and commercial.
  8. Paragraph 136 of the National Planning Policy Framework states that the quality and character of places can suffer when advertisements are poorly sited and designed. In respect of proposed Tower A, it would be sited about 8.5m away from a grade II listed building, namely the Former East Greenwich Fire Station. This is an Arts and Crafts style 5-storey building used as residential apartments. On its front, between the angled end bays, are balconies with cast iron railings on the four upper floors. The top floor of this centre section has an irregular, stone-coped parapet of picturesque outline. The outer bays have at this level slated mansard roofs with a prominent bell-cast and deep, bracketed eaves. There are tall brick chimney stacks with stone caps. I agree with the Council that the building has a landmark quality and, because Tower A would be higher than the building, it would detract from that landmark function and degrade the setting and therefore the significance of the building.
  9. Its picturesque upper storeys can be appreciated by passengers in vehicles on the flyover particularly travelling northbound. However, the display frames and panels themselves would be a significant size at about 8.5m high and about 5.3m wide. 8.5m is not dissimilar in height to a two-storey house. Some views of the building would be obscured by the display. Furthermore, the illuminated panels would appear substantially at odds with its historic appearance and character. Viewed from ground level, the same could be said for the structure as a whole, which would be seen alongside the listed building competing for attention in the streetscene rather than being a subservient structure. Whilst acknowledging that the flyover and busy ground level roads do not enhance the listed building's setting, its architectural and historic interest can nevertheless be appreciated from the flyover and from ground level.
  10. Tower A would also be in the setting of the grade II listed East Greenwich Library and would also appear incongruous with the historic character of that building. The Angerstein Hotel and Public House is four storeys of accommodation and has ornate stucco work on its elevations. It is locally listed. It is on the junction of Woolwich Road and Combedale Road and I noted on my site visit that Tower A would be in the setting of the building when travelling northwards on Combedale Road. The Tower would detract from an appreciation of its architecture and look incongruous against this non-designated heritage asset.

11. The area proposed to site Tower A is an area of sparse greenery in an otherwise traffic-led, noisy, pedestrian-hostile, unattractive space under and around a flyover. I have noted that local residents litter pick in an attempt to improve the walking environment. There are about 5 attractive trees close to the proposed Tower A location which contribute to visual amenity. There is a public footway over the area. The 13.5m high mounts are substantial structures in themselves and would look alien alongside the trees. They would harm the visual amenity. Furthermore, they would add undesirable visual clutter to a green area which is already hosting traffic signals and traffic signs.
12. Tower B would be on the east side of Horn Lane on a mowed grassed area enclosed by metal fencing, near a road which gives access into Terry's Autos. It also represents sparse greenery in the traffic-led environment described above. There is an environmental monitoring box, a public footway, litter bins, a handful of mature trees and shrubs, a number of traffic signals and two 48 sheet poster advertisements close to the proposed site. The introduction of Tower B would add to the already plentiful clutter on the modestly-sized green area, to the detriment of visual amenity in the area.
13. Turning to views from dwellings and, where relevant, their gardens, given the immense size and height of the 4 proposed illuminated displays, the changing colours and their 24 hour display, they would result in some annoyance and interference by light pollution to nearby residents. In particular, a proportion of residents in the Fire Station apartments and some living on Woolwich Road near the Angerstein Hotel would be detrimentally affected by Tower A. Tower B would have similar harmful impacts for residents, in particular on Woolwich Road (east of flyover), on parts of Fearon Street and on Farndale Road. My concern in respect of annoyance and interference from light is heightened by the fact that the Professional Lighting Guide 05 "*The Brightness of Illuminated Advertisements*" recommends that luminance limits in England for more than 10 m<sup>2</sup> illuminated displays should not exceed 300 cd/m<sup>2</sup> whereas the planning application indicates the level could be double that during daylight hours and the appellant's suggested condition seeks the luminance level of the displays be controlled by ambient environmental control without specifying a maximum illuminance.
14. Consequently, on the first issue, I conclude that the proposed advertisements would seriously harm amenity.

#### *Public Safety*

15. National Planning Practice Guidance 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, for example at junctions, roundabouts or pedestrian crossings. The road system is particularly complex under and around the flyover at ground level with complicated road geometry and increased cognitive demand. There is a convergence of sliproad traffic, traffic to and from Peartree Way, Woolwich Road east and west traffic, a cycle route and pedestrian crossing points. There are multiple lanes, heavy traffic and an array of traffic and pedestrian signals. Intense driver concentration is required in this area.
16. I have noted there was a fatal accident in 2018 caused by a lorry turning left and colliding with a cyclist. In particular, traffic on the north bound slip road from the flyover could have clear and long (in time) views of Tower A, and

traffic coming off the southbound flyover slip road could have clear and long (in time) views of Tower B. Some manoeuvres around the area would involve seeing a display on both Towers. I consider that the advertisements would distract drivers in locations on the immediate network where unbroken concentration is needed to manoeuvre into the correct lane, watch traffic signals, allow pedestrians to cross and take note of cyclists. Furthermore, national guidance also indicates that adverts that are unusual in nature are also likely to distract road users. The appellant has produced evidence of similar structures which are in place in London or have planning permission, but nevertheless I do not consider these type of advertisement towers to be common or normal poster panels. They are unusual nature. In this case, the advertisements would be both unusual and in locations where drivers need to exercise particular care and attention on the road network.

17. I do not have sufficient evidence before me to be persuaded that drivers on the flyover itself, which is a strategic trunk road, would be unduly distracted by the advertisements so as to jeopardise public safety.
18. Consequently, in respect of the second main issue, I conclude that Towers A and B would unacceptably harm public safety for road users, cyclists and pedestrians using the area under and around the flyover.
19. In making my decision, I have taken into account adopted policies which seek to protect amenity and public safety and so are material in this case. They are policy HC1 of the London Plan (2021) and policies E(a), DH1, DH3, DH(f), DH(i), DH(j) and IM(b) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014). The proposed development conflicts with these policies.
20. In considering the issues in the appeal, I have borne in mind that advertisements can add colour and interest to an otherwise drab area, and I have taken into account that they contribute to economic growth including generating business rates and local employment. However, none of those factors outweigh the harm to amenity and public safety that I have identified above.
21. There is a dispute about who owns the land on which the Towers would be situated but this dispute is outside my jurisdiction and it has played no part in my decision making process.

### **Conclusion**

22. Having taken into account all representations made, for the reasons given above, I dismiss the appeal.

*Megan Thomas*

INSPECTOR