



Appeal Decision

Site visit made on 9 August 2022

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2022

Appeal Ref: APP/B5480/Z/22/3295471

309 Hornchurch Road, Hornchurch RM12 4TQ

- 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 Wildstone Estates Ltd against the decision of the London Borough of Havering Council.
 - The application Ref A0065.21, dated 2 November 2021, was refused by notice dated 16 February 2022.
 - The advertisement proposed is an upgrade of existing advert to support digital poster.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is public safety as it relates to road users.

Reasons

3. The appeal site comprises the flank wall of 309 Hornchurch Road (No.309), a semi-detached two storey mixed use retail and residential building. The flank wall is currently a site used for the display of a non-illuminated advertising billboard for paper and paste posters, which was previously allowed on appeal¹. The proposal would replace this with a similarly sized digital billboard in the same location and position, but that would apparently have less depth and protrude less from the building than existing.
4. The proposed digital billboard would present illuminated advertising content, which would involve the change of static images, which the appellant indicates would change virtually instantly and that it would be capable of displaying new adverts once every 10 seconds. By way of sensory feedback, the illuminance of the proposal could vary according to the ambient light levels, reducing in less-bright conditions.
5. No.309 is located on an island at the centre of a traffic gyratory system at the junction of the A125 and A124, along with other buildings in mainly commercial use. Although there does not appear to be any other advertising poster billboards in the local area of the gyratory, there is a heavy presence of non-illuminated and illuminated signs advertising the retail and commercial services

¹ Appeal Ref: APP/B5480/Z/15/3129288

offered at individual premises. My attention has, however been drawn to a digital billboard approximately 300 metres from the appeal site. I find, however, that its location near a light controlled junction, where it does not face the through traffic moving straight on from the A125 to the A124, is significantly different from that of the proposal.

6. The Planning Practice Guidance (PPG) states that all advertisements are intended to attract attention, however, those proposed at points where drivers need to take more care are more likely to affect public safety. It advises further that the main types of advertisement which may cause danger to road users are those that are illuminated and those subject to frequent changes of the display.
7. Like the existing poster billboard, the proposed digital billboard would face towards the traffic on a busy section of the A125. For vehicles approaching the appeal site, the proposed digital billboard would be seen in conjunction with a light controlled junction with pedestrian facilities. At this point, a one way part of the A125 changes from 2 traffic lanes with a cycle lane to 4 traffic lanes and a cycle lane. Road users wishing to continue onto the A125 and not continue onto the A124 have to move across into 2 dedicated right turning lanes to continue around the gyratory. During my early afternoon weekday site visit, the gyratory and its approach, onto which the appeal site faces, appeared to be continuously busy with traffic, although pedestrians were very limited in the area.
8. Whilst the luminance of the proposed digital billboard could be satisfactorily controlled by conditions, it could involve static advertising displays potentially changing every 10 seconds, thereby significantly increasing the prominence of the advertisement display at the appeal site. This would draw the eye of road users, increasing their visual interaction with the display, in a road traffic situation at, or approaching, the light controlled junction, where a very high level of observation of traffic lights and other road users is necessary.
9. The almost instant periodic transition of the advert displayed on the proposed digital billboard, when combined with internal illumination, has the potential, at this busy light controlled junction on a busy gyratory location, to distract motorists and create visual confusion for road users as they approach the junction. This is especially in relation to the need to pay attention to the traffic lights and while changing lanes, which is a major function of this part of the gyratory. This distraction would pose a risk to pedestrians, cyclists and other road users.
10. No information has been provided to me by the main parties on traffic collisions on the gyratory and approach roads. I am, however, concerned that the possible distraction of road users, by the proposed illuminated digital billboard screen with changing advertisements, would lead to and increase the number of such incidents in this area, and potentially their severity, especially to vulnerable road users.
11. The appellant has drawn my attention to the Council's acknowledgement that studies of the impact on public safety from similar digital billboard displays are inconclusive. It appears to me, however, that such studies, which demonstrate no evident link between such advertisement displays and harm to road safety, are not based on data related to those locations where such displays have been

refused on road safety grounds, and only relate to where they have been approved as being satisfactory in this regard.

12. The appellant has further drawn my attention to the before and after visual effects, in other locations in the country, of the change of paper and paste poster sites to digital billboards. Whilst I acknowledge that the proposed types of digital billboard are becoming common features of road corridors, no further information has been provided on these sites in relation to their location with regards to road layout or public safety. I have, accordingly, afforded this little weight in my considerations.
13. I find that, as a result of the digital transition between illuminated advertisements as proposed, the risk to highway safety would be likely to increase. I consider that the proposal would have the potential to distract road users at a time when they should be paying due care and attention to road related activity. The proposal would, therefore, be harmful to public safety and would conflict with the National Planning Policy Framework (2021) (the Framework) and PPG in this regard.
14. For the reasons given above, I find that the proposed advertisement would be significantly harmful to public safety as it relates to the use of the highway. This would conflict with policy 23 of the Havering Local Plan (2021), paragraph T4 of the London Plan (2021) and paragraphs 111 and 136 of the Framework, which collectively seek to ensure that advertisements are not harmful to public safety.

Conclusion

15. The appeal is dismissed.

Victor Callister

INSPECTOR