



Appeal Decision

Site visit made on 8 September 2022

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14TH September 2022

Appeal Ref: APP/Z5060/Z/22/3294980
29 River Road, Barking, IG11 0DA

- 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 Council of the London Borough of Barking and Dagenham.
 - The application Ref 21/02192/ADVERT, dated 29 November 2021, was refused by notice dated 31 January 2022.
 - The advertisement proposed is for the removal of existing advert and erection of a digital poster display. Height: 3 metres. Distance from ground to base of advertisement: 2 metres. Dimension: 3 x 6 x 0.061 metres. Materials: Lightweight digital LED panels. Max height of letters/symbols: 200cm. Text colour and background colour: multicoloured. Illumination method: Internally illuminated. Illumination level: 5000 cd/m2 illuminated. Display: static.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the visual amenity of the area, which is within the Thames Road Masterplan Area.

Reasons

3. The appeal site is located within a long-established industrial area, which includes a diverse range of industrial units and yards. The appeal site occupies a prominent position adjacent to the junction of River Road and Thames Road, which includes central reservations for pedestrians and traffic lights. The sites around the junction area are enclosed by a mixture of tall close boarded fences, mesh fences, metal railings and walls, which has an enclosing impact on the street scene.
4. The vast majority of signage and advertisements along River Road and Thames Road relate to the premises in which they are displayed and the majority are non-illuminated. Most signs and advertisements are set back from the highway and are visually discrete within the street scene. There is a concentration of signage and advertisements in the vicinity of the junction of River Road and Thames Road. This results in the immediate area appearing cluttered and degraded.

5. Paragraph 136 of the National Planning Policy Framework 2021 (the Framework) states that poorly placed advertisements can have a negative impact on the built environment. Also, that advertisements should be subject to control only in the interests of amenity and public safety.
6. Collectively and amongst other things Policies D1, D4 & D8 of The London Plan, policy CP3 of the Barking & Dagenham Local Development Framework (LDF) Core strategy (CS), and policies BP8, BP11 of the LDF Borough Wide Development Plan Document (DPD), seek to ensure that new development respects and strengthens local character and that the public realm is well-designed, attractive and related to local and historic context. DPD Policy BP 7 states that advertisement consent will not be granted for outdoor advertisements which detract from the character and amenity of the area. Within commercial areas they should complement the visual appearance of the area.
7. Policies SP2 and DMD1 of the London Borough of Barking & Dagenham's Draft Local Plan (Regulation 19 Submission Version, Autumn 2021), (Draft LP), are consistent with this. Amongst other things they seek to ensure that developments relate to their local context and provide interesting public spaces. Draft LP Policy DMD7 advises that excessive signage can lead to visual clutter and have a negative impact on visual amenity. Also, that advertisements should be of a high quality, well suited to the street and make a positive contribution to the character and appearance of the area.
8. The advertisement to be removed comprises a large billboard which is located on the outside of the western boundary fence at 29 River Road. It faces onto River Road a short distance beyond the traffic lights. Whilst the advertisement is large and unattractive, it is not prominent within the wider street scene. This is because it sits against the boundary fence and the displayed advertisements can only be seen in close proximity to the billboard. The existing billboard is not visible from Thames Road and visibility of the billboard is restricted in both directions along River Road. In addition, the billboard is not currently illuminated. Whilst I note that the billboard has in the past been externally illuminated, no evidence has been submitted to demonstrate that it's illumination currently benefits from consent.
9. It is acknowledged that the proposed digital poster display panel is well designed in itself and would be the same size as the billboard. However, it would be internally illuminated, located immediately adjacent to the junction and the advertisement would not relate to the commercial premises against which it would be sited. When approaching the junction from the north along River Road the advertisement panel would be highly prominent and would appear out of context with the street scene. It would materially and unacceptably add to the clutter within the junction area. In addition, the proposed digital poster display panel would be out of keeping with and would detract from the appearance and setting of the traditional red brick commercial building located behind the panel.
10. For these reasons I find that the harm that the proposed digital poster display panel would cause to the amenity of the area would materially outweigh the benefits from removing the existing billboard. It would similarly outweigh the fact that no public safety concerns have been raised in relation to the proposal.

11. The council has referred to the inclusion of the site within the Barking Riverside Gateways Housing Zone, whose intention is to unlock and/or deliver housing and to regenerate the area. The council has entered into a 'Composite Agreement' for the provision of a grant to purchase and develop sites for housing. Further, Thames Road area is identified as a transformation area in the Draft LP and is to be subject to masterplan design guidance. The area will include new housing and regeneration of retained commercial areas.
12. Given the advanced stage of the Draft LP and the existence of the 'Composite Agreement' I give considerable weight to this factor. Having regard to the harm the proposed internally illuminated digital poster display would cause to the visual amenity of the existing area, it would cause unacceptable harm to the Barking Riverside Gateways Housing Zone.
13. As stated in Regulation 4(3) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (Advertisement Regulations), in determining an application for advertisement consent the local planning authority may have regard to any material change in circumstances likely to occur within the period for which consent is requested.
14. It is assumed that there is a need for every advertisement, consequently the regulations stipulate that only amenity and public safety arguments can be considered. Together Regulations 2 and 3(2) of the Advertisement Regulations state that 'amenity' includes aural and visual amenity and that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. The appellants comments relating to the requirements of advertisers, viability and a range of benefits the proposal would bring are not related to the amenity of the advertisements themselves and so I cannot consider them.
15. I conclude on the main issue that the proposed internally illuminated digital poster display panel would unacceptably harm the amenity of the area which is within the Thames Road Masterplan Area. I have taken into account paragraph 136 of the Framework, the London Plan Policies D1, D4 & D8, CS Policy CP3, DPD Policies BP7, BP8 & BP11 and Draft LP Policies SP2, DMD1 & DMD7. Given I have concluded the proposal would harm amenity, the proposal conflicts with these policies, so far as they are relevant to the proposal.

Elizabeth Lawrence

INSPECTOR