



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: 15th September 2022

Appeal Ref: APP/Z5060/W/22/3291857

Ship and Shovel, Ripple Road, Barking, IG11 0SN

- 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 David Galbraith on behalf of Inschool Media against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 21/01975/ADVERT, dated 29 October 2021, was refused by notice dated 16 December 2021.
 - The advertisement proposed is for the installation of a billboard advertisement.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In their decision notice the Council has referred to the London Borough of Barking & Dagenham's Draft Local Plan (Regulation 19 Submission Version, 2020). Whilst this document has been superseded by the London Borough of Barking & Dagenham's Draft Local Plan (Regulation 19 Submission Version, Autumn 2021), (DLP), the content of the policies referred to by the Council both in their decision notice and officer report remained unchanged. Accordingly, this has not affected the consideration of this appeal.
3. In addition, the Council has referred to policy SP4 of the DLP in its decision notice, although it is clear from the officer report that this is an error and that the relevant policy is SP2, which relates to design and appearance. The appeal has been determined on this basis.

Main Issues

4. The first main issue is the effect of the proposal on the visual amenity of the surrounding area. The second main issue is the effect of the proposal on public safety.

Reasons

5. The appeal site is located in a busy commercial area on the south side of the A13, which, in this location, comprises a dual carriageway with three lanes on each side of the central reservation. There is a considerable and diverse range of advertisements and signage within the commercial area, much of which sits close to the pavement and in close proximity to the existing highway signage

and infrastructure. Collectively the commercial and highway advertisements, signage and infrastructure appear cluttered. They have a degrading impact on the street scene and on the setting of the large housing estate and area of open parkland on the north side of the A13. The situation is exacerbated by the commercial fencing and ad-hoc buildings, open yards, storage and parking within the adjacent commercial sites, which similarly have a degrading impact on the character and quality of the area.

6. The Ship and Shovel Public House occupies a prominent position adjacent to the junction of Ripple Road and the A13. The public house is set back from the A13 behind an access road, pavement and parking area. This creates a sense of space around the junction and facilitates open views towards the commercial sites to the west.
7. The proposed billboard advertisement would be sited to the front of the boundary wall to the west of the access road and parking area. It would be positioned a short distance back from the edge of the wide pavement running along the side of the dual carriageway.
8. Paragraph 136 of the National Planning Policy Framework (Framework) states that the quality and character of places can suffer when advertisements are poorly sited and designed. Also, that advertisement applications should only be subject to control in the interests of amenity and public safety, taking account of cumulative impacts. Paragraph 134 of the Framework states that development that is not well designed should be refused.
9. Together 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 BP7, BP8 and BP11 of the LDF Borough Wide Development Plan Document (DPD), seek to protect and enhance the amenity of the area. Proposals should ensure that the public realm is well designed, safe, attractive, well-connected and related to the local context. Advertisement consent will not be granted for outdoor advertisements which detract from the character and amenity of the area and/or which compromise public safety.
10. Policies SP2 and DMD1 of the London Borough of Barking & Dagenham's Draft Local Plan (Regulation 19 Submission Version, Autumn 2021), (DLP), are consistent with this. They seek to ensure that developments relate to their local context, are safe and provide interesting public spaces. DLP Policy DMD7 advises that excessive signage can lead to visual clutter and have a negative impact on visual amenity and public safety. 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.

Visual amenity

11. Due to its siting, height above ground level and size, the proposed billboard advertisement panel would be prominent when approaching from the east along the pavement and the dual carriageway. It would add to the clutter of signage and street infrastructure and materially detract from the visual character and appearance of the surrounding area.
12. Whilst I note that there is already an advertisement billboard in this location, the council has confirmed that it is the subject of an enforcement investigation. Also, the existing billboard is sited closer to the ground than the proposed

advertisement and so has less impact. Notwithstanding this, it serves to highlight how prominent and visually intrusive the proposed billboard would be, irrespective of its footprint.

13. For this reason, I conclude on the first main issue that the proposed internally illuminated billboard advertisement panel would materially and unacceptably harm the amenity of the surrounding 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.

Public safety

14. The proposed billboard advertisement sign would be sited a short distance from the junction of Ripple Road and the A13. This is a busy junction, with traffic lights and all traffic accessing the A13 has to turn left. Due to its siting, height and width the proposed billboard advertisement would be prominent. It would add to the visual clutter and would have an enclosing impact on the street scene in views from the junction, where it could divert the attention of drivers from traffic and road signage.
15. The proposed billboard advertisement would partially screen the commercial site immediately to the rear of it. Together with the highway sign a short distance beyond the appeal site, it could divert the attention of drivers from the two accesses serving the adjacent commercial premises. Beyond these accesses are a couple of road information signs and a slip road which already compete with the existing signage and general street clutter. The proposed advertisement billboard would exacerbate the level of street clutter in the area for drivers and other road users. As a result, the proposed billboard would compromise the safety of persons using the A13.
16. It is noted that the appellant was not specifically asked to submit a highway safety assessment at the application stage. However, matters of public safety are a material consideration when assessing the merits of advertisement proposals. In this instance the proposed billboard is located adjacent to a busy urban road and close to a junction.
17. I conclude on the second main issue that the proposed billboard would unacceptably compromise public safety. I have taken into account the London Plan Policy D8, CS Policy CP3, DPD Policy BP7 and Draft LP Policy DMD7. As I have concluded the proposal would compromise public safety, the proposal conflicts with these policies, so far as they are relevant to the proposal.

Conclusion

18. The conclusions on both of the main issues amount to compelling reasons for dismissing this appeal, which the imposition of conditions would not satisfactorily address.

Elizabeth Lawrence

INSPECTOR