The Planning Inspectorate

Appeal Decision

Site visit made on 17 July 2023 by Darren Ellis MPlan MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th September 2023

Appeal Ref: APP/G5750/Z/23/3323228
Land adjacent to Hayday Road. Looking onto New Barn Street and A13, Newham Way

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
- The appeal is made by Wildstone Estates Limited against the decision of the Council of the London Borough of Newham.
- The application Ref 23/00065/ADV, dated 22 December 2022, was refused by notice dated 4 April 2023.
- The advertisement proposed is display of a 48 sheet freestanding digital advert.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. Amended plans were submitted during the life of the application to correct the red line boundary of the site. The appellant states that the description of development was altered to exclude the removal of an existing advertisement which lies outside of the site. I have therefore used the description of development as found on the decision notice, which accurately describes the proposed development and that on which the Council made their decision.

Main Issues

4. The main issues are the effect of the proposal on a) visual amenity; and b) public safety.

Reasons for the Recommendation

Visual Amenity

5. The appeal site is a patch of land in a residential area, adjacent to Hayday Road, the Gandhi Chaplin Peace Garden, the A13 Newham Way, and properties on Ravenscroft Close. Opposite the site, on the other side of Newham Way, is a residential apartment block. There is an existing advertisement hoarding

immediately behind the position of the proposed digital screen. This is unauthorised and enforcement action is being taken by the Council seeking its removal.

6. The proposed screen would be erected on a grass verge adjacent to Newham Way. It would be visible to drivers and pedestrians travelling in both directions as well as from Beckton Road and Hayday Road. The screen would only be on one side of the unit and would face to the south, towards vehicles and pedestrians approaching from the south and west.

7. The proposal would introduce a large, permanent, illuminated feature that would draw the eye and appear overly conspicuous in the context of the surrounding residential area where there are currently no other authorised advertisement hoardings. Although the level of illumination could be limited by condition, the illuminated nature of the advertisement would only serve to highlight its unsympathetic scale and height, the visual impact of which would be exacerbated by its prominent location.

8. The appellant suggests that a Grampian condition could be added to the advertisement consent which would prevent the proposed screen from being erected until the existing unauthorised hoarding has been removed, and a condition which would reduce the illumination during the hours of darkness and for the screen to be turned off between the hours of 23:00 and 06:00. While the latter condition would reduce the visual impact of the screen during the hours of darkness, the hoarding would still be visible as a result of the street lighting along the A13. Furthermore, neither condition would mitigate against the visual impact of the proposed advertisement on the local character.

9. The appellant refers to two larger digital advertising screens further along the A13 in Barking. However, these advertisements are a considerable distance from the appeal site and appear to be situated in or next to a commercial or industrial area. The digital screens in Barking are therefore not comparable to the proposal before me. Consequently, due to its size, scale and positioning the proposed digital screen would appear as an incongruous addition, detracting from the residential character and appearance of the area.

10. The Council has drawn my attention to Policies D3, D4 and D8 of the London Plan (March 2021) (LP) and Policies SP3, SP7 and SP8 of the Newham Local Plan 2018 (NLP), which all seek, in various ways, to protect visual amenity. As I have concluded that the proposed advertisement would harm visual amenity, it would not accord with these policies insofar as they are material to the main issue of visual amenity.

Public Safety

11. During my site visit, the A13 was busy with a large number of vehicles travelling in either direction. The digital screen would face towards vehicles approaching from the west, and the road at this point is wide and straight with no traffic signals. Beckton Road joins the A13 next to the appeal site, however the filter road where Beckton Road joins goes a significant distance past the appeal site before turning off into New Barn Street, giving drivers plenty of time to negotiate joining the A13 once they have passed the digital screen. Furthermore, the digital screen would not interfere with any road signs.

12. The digital screen would only be visible to drivers of vehicles approaching from the east when the drivers are almost adjacent to the screen. As the attention of the drivers would be on what is in front of them, the proposed digital screen would not cause any significant distraction to drivers approaching from the east. For these reasons and given the position and orientation of the proposed screen, the potential for drivers to be distracted by the sign would be low. As such the proposed screen would not have a detrimental effect on public safety.

13. The Council has drawn my attention to LP Policies D1, D4 and D8, and NLP Policies SP1, SP3 and SP8, which all seek, in various ways, to protect public safety. As I have concluded that the proposed advertisement would not harm public safety, it therefore would be in accordance with these policies. I have taken them into account insofar as they are material to the main issue.

Other Matters

14. The appellant has suggested that the proposal would result in a number of benefits, including environmental and economic benefits. However, PPG states that the powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety.

Conclusion and Recommendation

15. For the reasons given above, the proposed digital advertisement would cause harm to the visual amenity of the area, contrary to the Regulations. I therefore recommend that the appeal is dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and my representative's report and on that basis I dismiss the appeal.

John Morrison

INSPECTOR