
Appeal Decision

Site visit made on 3 October 2023

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 09.10.2023

Appeal Ref: APP/Y5420/Z/23/3327656

555-557 High Road, Tottenham, Haringey, London N17 6SB

- 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 Guy Goodyear against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2022/4460, dated 5 December 2022, was refused by notice dated 24 July 2023.
 - The advertisement proposed is an internally illuminated LED '48 sheet' billboard.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Reference is made in the evidence to various planning policies as well as government guidance on advertisements. The Regulations to control advertisements require that decisions be made only in the interests of amenity and public safety. As such, the planning policies cited cannot, therefore, be decisive, but I have taken them into account as a material consideration.

Main issues

3. The main issues are the effect of the proposed advertisement on visual amenity and on public safety, with particular regard to highway safety.

Reasons

Visual amenity

4. The proposal is an internally illuminated LED display that would occupy an elevated position on the flank wall of a building to one side of High Road within a busy and vibrant commercial and retail area. I saw a wide range of buildings in a variety of uses close to the site as well as street lighting, a pedestrian crossing with traffic signals and a variety of advertisements.
5. The site falls within the Bruce Grove Conservation Area (CA). According to the Council, it also forms part of the Tottenham High Road Historic Corridor, along which the townscape serves to illustrate the ways in which the local area has developed over time. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA, as required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. The proposal would replace an existing static sign in broadly the same position on the host wall. It would include a digital display showing static images changing at intervals of not less than 10 seconds and containing no movement, animation, or special effects. The proposed unit would be internally lit within the limits set by the Institute of Lighting Professionals.
7. When seen on the main approach to the site from the north, the proposal would appear as a substantial feature in the street scene due to its size and elevated position. It would project noticeably above the general commercial aspects of the premises in the foreground. Consequently, the overall impact of the display of advertising material would be considerable. That advertisements on the new digital display would be clear and sharp in their detail and regularly change would also draw the eye particularly from the road, thereby visually accentuating its prominence even within a street lit urban townscape.
8. For southbound users of High Road in particular, the proposed display would be particularly evident. From some distance along this highway, the new display would come into view and be highly conspicuous given its size, high level position, illumination, and the frequently changing displays. While the proposal would be similar in size to the existing sign, the digital display would introduce frequently changing, crisper images compared to the unit that is in situ.
9. The brightness and the hours of illumination of the new sign could be controlled by conditions. Nevertheless, the new advertisement would still visually dominate this stretch of highway even among commercial and retail units with their associated signage nearby. For these reasons, the new advertisement would be unduly harmful to the visual amenity of the area. As a result, the character and appearance of the CA would fail to be preserved.
10. In reaching this conclusion, I note the appellant's opinion that the existing sign is lawful and that it benefits from deemed consent. On that basis, the existing display could remain in place if this appeal were to be dismissed. I also share the Council's opinion that the proposal would not directly face and so it would not unduly harm the amenity of the occupiers of nearby residential properties.

Highway safety

11. The Planning Practice Guidance (the Guidance) notes that advertisements at points where drivers need to take more care, for example at pedestrian crossings, are more likely to affect public safety. It also states that highway danger may arise due to internally illuminated signs that because of their colour could be mistaken for, or confused with, traffic lights; and those signs that are subject to frequent changes of the display. This does not mean that all such signs would therefore pose a safety hazard since individual proposals need to be assessed on their own merits. The Guidance adds that there are less likely to be road safety problems if the advertisement is not on the skyline or on a site within a commercial locality, as is the case here.
12. The new advertisement would primarily face southbound users of High Road. On the immediate approach to the site from the north, the road is reasonably straight and well-lit with good forward visibility. Furthermore, there is also nothing unusual or overly complex about the pedestrian crossing close to the site, which includes traffic lights.

13. Even so, during the mid-afternoon site visit, I observed that High Road was extremely busy as it passes the site with a steady flow of people crossing the main carriageway, some of which used the pedestrian crossing when the traffic lights were on red. From these observations, and in the light of the evidence before me, I have little doubt that road users approaching the site and those using the pedestrian crossing, require a significant degree of attention and concentration to ensure their own safety.
14. For many southbound drivers using High Road, the new advertisement would come into view and be seen just to right hand side and slightly above the head of a traffic signal at the pedestrian crossing. The prominence of the new advertisement and the frequently changing display in the same field of view to the head of a traffic light, could draw the eye, diverting the attention of road users even momentarily. A change in the colour of the image on the new advertisement from red to amber or green for instance could be glimpsed and misinterpreted by some drivers as a signal to move forward. That decision would be made at exactly at the point where pedestrians may well be crossing the carriageway and could also be distracted by the new display. Even though High Road is reasonably straight as it passes the site, full concentration on the carriageway ahead is still required even from people that are familiar with local highway conditions and take reasonable care of their own and others' safety.
15. Overall, for the reasons given, I conclude on this issue that the proposal would be unduly distracting to road users and pose a significant safety hazard even considering that roadside distractions can often form part of a driver's experience. As a result, it would be materially harmful to public safety.

Conclusion

16. Overall, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR