



Appeal Decision

Site visit made on 10 October 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2023

Appeal Ref: APP/U5930/Z/23/3324926

536 High Road Leytonstone, London E11 3DH

- 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 Ben Porte of Clear Channel UK against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 230816, dated 27 March 2023, was refused by notice dated 19 May 2023.
 - The advertisement proposed is installation of an internally illuminated 48 sheet D-Poster (digital) display.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form appears to contain details in support of the proposal. These are not acts of development in themselves. I have therefore removed them from the banner heading above, although I have taken the points raised into account in my reasoning below.

Main Issues

3. The main issues are the effects of the proposed advertisement on amenity and public safety.

Reasons

Amenity

4. The appeal site is the gable end of a two-storey property, on the corner of High Road Leytonstone and Ferndale Road. The property forms part of a row of commercial premises fronting High Road and the wider area is predominantly residential. There is a large-scale poster opposite the appeal site and a variety of modestly sized advertisements close to the site, including mounted and shop fascia signs, as well as street lighting, crossing beacons, road signs and bus stops.
5. The proposed digital poster would front Ferndale Road, opposite the gable end of another row of commercial premises. The top of the poster would be a short set down below eaves height and would therefore be situated at a high level making the poster prominent in the street scene. It would occupy a significant proportion of the gable elevation above ground floor level. Consequently, it would appear as an overly dominant and intrusive feature in relation to it. It would be seen by motorists, pedestrians and cyclists from numerous vantage points on High Road Leytonstone and Ferndale Road. It would also be

discernible in views from nearby residential properties on Ferndale Road. From all vantage points, owing to its size and position the proposal would appear as an unduly strident feature within both street scenes.

6. Despite the area's mixed-use character, including commercial uses, and even though the site is located adjacent to a road with street lights, the proposal would appear as an incongruously large and highly visible isolated illuminated digital advertisement. Within the context of generally modestly sized advertisements and functional and unobtrusive street furniture the appeal scheme would be conspicuous, visually dominating the surrounding area.
7. There was previously a poster of a similar size at the appeal site of a traditional paper and paste format. Despite being located in a similar position and of a similar size the proposal would be different to the previous poster. The appeal scheme would be illuminated and capable of rotating static digital advertisements every 10 seconds. Consequently, the proposal would appear more prominent. Even though the proposal would not obscure any architectural features, the scheme would replace the current mural seen on the gable end, which contributes positively to the appearance of the area through its distinctiveness and I note is important to the local community.
8. The appellant has suggested a condition be imposed to mitigate the illumination levels. However, while it may be that the advertisement would not look unlike a traditional paper and paste poster during the day, and there would be existing night-time illumination in the area immediate to the site, this would be limited, whereas the entire poster is to be illuminated, in an area where there is an absence of large, illuminated advertisements. Moreover, even if the frequency of images were to be controlled, the advertisement would still involve changing images on display. As such, limiting the level of illumination would not resolve the visual effect of the proposal.
9. Accordingly, the proposal would be harmful to the amenity of the area. I have taken into account Policy CS15 of Waltham Forest Local Plan Core Strategy (2012) (CS) and Policy DM29 of the London Borough of Waltham Forest Development Management Policies Local Plan (2013) (DMP). These policies, amongst other things, seek proposals that respond positively to local context and character, promote distinctiveness and sense of place, and requires advertisements by reason of their scale, location and size to not be detrimental to visual amenity. Therefore, the policies are material in this case, and given that I have concluded that the proposal would harm amenity, the proposal conflicts with these policies.

Public safety

10. The appeal site is located at the junction of Ferndale Road with High Road Leytonstone, in proximity to a zebra crossing and a bus stop. There is also a school nearby on an adjacent street. I acknowledge that the Council has not presented any substantive evidence with regards to accidents in the immediate vicinity of the appeal site and I note that vehicles are restricted to 20 miles per hour. However, it is not disputed that the locality is a busy urban throughfare, and therefore the proposal has the potential to result in conflict.

11. The Planning Practice Guidance¹ states that all advertisements are intended to attract attention, but advertisements at points where drivers need to take more care are more likely to affect public safety. This includes junctions and pedestrian crossings as well as when advertisements include illumination or changes of display.
12. There are existing advertisements and illuminations nearby to the appeal site and I note that on approach from High Road Leytonstone the road is generally straight and so the junction and traffic signals are visible at some distance when travelling along this road. Nevertheless, the changing aspect of the display together with the dominant and obtrusive position and incongruous appearance of the proposed advertisement means that it would have the potential to distract drivers and other road users. This would be at a busy section of the road where concentration is required.
13. As set out above the appellant suggests the illumination could be controlled, as well as the changing of images. However, as well as failing to address its prominent and incongruous nature, such conditions would also not adequately address the harm it would cause to public safety.
14. As such, the proposal would have a harmful effect on public safety. This is in conflict with Policy CS15 of the CS and Policy DM29 of the DMP which requires developments to improve the way places function and advertisements by reason of their scale, location and size to not be detrimental to public safety.
15. The Council also alleges a conflict with Policy DM32 of the DMP with regards to this matter. This policy refers to maintaining daylight/sunlight, outlook and privacy, and the provision of facilities for the storage, collection and disposal of refuse. My attention has not been drawn to any words in this policy that is relevant to this main issue and as such, has not therefore been determinative in my decision.

Conclusion

16. For the reasons given above I conclude that the display of the advertisement would be detrimental to the interests of amenity and public safety. Therefore, the appeal is dismissed.

F Harrison

INSPECTOR

¹ Paragraph 067 Reference ID: 18b-067-20140306