



Appeal Decision

Site visit made on 4 January 2024 by N Unwin BSc (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2024

Appeal Ref: APP/Z5060/Z/23/3329294

Pavement Outside 97-131 High Road, Barking and Dagenham RM6 6PB

- 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 Martin Stephens (JCDecaux) against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application, ref. 23/00854/ADVERT, dated 2 June 2023, was refused by notice dated 28 July 2023.
 - The proposed advertisement is described as an 86 inch LCD screen capable of showing illuminated static displays in sequence.
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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.

Preliminary Matters

3. The Council has cited conflict with Policy D8 of the London Plan (2021), Policy CP3 of the Core Strategy (2010) and Policy BP7 of the Borough Wide Development Policies Development Plan Document (2011). The powers to control advertisements under the relevant regulations may be exercised only in the interests of amenity and public safety. Consequently, the Council's policies are not, in themselves, decisive. They are material considerations relevant to the main issues.
4. The Council has referred to and provided copies of relevant policies of the London Borough of Barking and Dagenham Draft Local Plan 2037 – Regulation 19 Submission Version, December 2021. I understand this is currently at the examination stage, but there is no indication of when it will be adopted, if any policies have been modified, or the extent of any unresolved objections. I therefore afford it limited weight.

Main Issues

5. The effect of the appeal proposal on (a) amenity, with particular regard to the street scene; and (b) public safety with particular regard to users of the highway.

Reasons for the Recommendation

Amenity

6. The proposal would be located close to the kerb line of a pavement area of High Road. Off street parking adjoins the road and in combination with the wide pavements, creates a spacious and open street scene with natural vistas in both directions. The area is mixed in character, nonetheless a row of two storey dwellings adjoining the southern section of this part of High Road bestow it with a more residential quality. An absence of advertisements within the highway further preserves the openness and residential nature of this area.
7. The proposed advertisement would be relatively substantial in size, positioned so as to be viewed by those travelling along the highway. By virtue of its close relationship to the road, it would appear a prominent feature within the street scene to both pedestrians and motorists, particularly given its illuminated nature. The proposal's visual dominance would detract from the area's open character and derogate from the unbroken vista along the highway. Furthermore, such an advertisement would appear alien and out of place given the residential context and dearth of advertising within the thoroughfare.
8. Consequently, the proposed advertisement would result in an unacceptable impact on amenity, with particular regard to the street scene. Insofar as they are material, the proposal would not accord with Policy D8 of the London Plan (2021), Policy CP3 of the Core Strategy (2010), and Policy BP7 of the Borough Wide Development Policies Development Plan Document (2011). When read together and amongst other things, these policies require proposals to achieve high quality design and not detract from the character and amenity of the area.

Public Safety

9. The Planning Practice Guidance (PPG) advises that all advertisements are intended to attract attention but such at points where drivers need to take more care are more likely to affect public safety. PPG goes on to identify adverts which are, because of their size or siting would obstruct or confuse a road-user's view, among the most likely to cause danger to road users.
10. This section of High Road is busy, with its linear and spacious quality providing good visibility for motorists in both directions. The appeal site itself is located close to the pavement's kerb, adjoining the northern side of the road. It is within close proximity to Beaconsfield Terrace, a side road to the west of the proposal, on the same side of High Road.
11. The proposal's sizable proportions in combination with its location close to the entrance of Beaconsfield Terrace would partially obscure the sightlines of motorists exiting the side road, increasing the likelihood of vehicular collisions. Furthermore, the advert's illuminated nature and prominence within the otherwise open street scene would likely distract motorists traveling along High Road, leading to a potential conflict with vehicles entering and exiting Beaconsfield Terrace.
12. The proposed advertisement would therefore result in an unacceptable impact on public safety, specifically the safe use of the highway. Insofar as they are material, the proposal would not accord with Policy D8 of the London Plan (2021), and Policy BP7 of the Borough Wide Development Policies Development Plan Document (2011). When read together and amongst other things, these

policies require proposals to ensure the public realm is safe and not to compromise public safety.

Other Matters

13. The appeal site is not within a Conservation Area nor the setting of a listed building. Nevertheless, the absence of designations is not a positive factor in favour of the proposal and an assessment as to its effects is still required. The imposition of the conditions suggested would not, in this case, mitigate the impact of the proposal on amenity or public safety to an acceptable level.
14. I am cognisant of the cited benefits of the proposal. These include, but are not limited to, the provision of free ultrafast Wi-Fi, free phone calls to landlines and charities, a defibrillator, wayfinding, device charging, rapid connection to emergency services, public messaging capabilities, and a platform for other technologies such as environmental conditions, CCTV and key data. I remain to be convinced they are all reliant on the proposals and they would, in any case, not be sufficient to outweigh the type, nature and extent of the harms I have identified above and to which I would ascribe substantial weight.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, the proposed advertisement would be unacceptable when assessed against the relevant regulations. I therefore recommend that the appeal should be dismissed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR