
Appeal Decision

Site visit made on 6 February 2024

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26TH February 2024

Appeal Ref: APP/Z5060/Z/23/3332005

Land at A124 Roundabout at Junction with Gurdwara Way, Barking, IG11 8BU

- 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 Gary Cockerill (Alight Media Ltd) against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref. 23/01198/ADVERT, dated 19 July 2023, was refused by notice dated 13 September 2023.
 - The advertisement proposed is new single illuminated 48-sheet digital advertisement display.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the Council's decision, a revised National Planning Policy Framework (the Framework) has been published. As the substance of Framework policy of relevance to this case remains broadly the same, it has not been necessary to seek further views from the parties.

Main Issues

3. The main issues are the effect of the proposal on (1) public safety and (2) amenity.

Reasons

Public Safety

4. The appeal site is on a green open space next to a roundabout on the A124. The roundabout is a busy but well-lit junction of multiple lanes, and vehicles exiting onto Gurdwara Way have to negotiate an entrance/exit to a petrol filling station (PFS) and a pedestrian crossing. This crossing is close to the exit off the roundabout and is not signal controlled.
5. The proposal would not obstruct sight lines nor reduce the clarity or effectiveness of traffic signs or signals. The appellant confirms that the display would present static images without any movement, animation or special effects, changing every 10 seconds. I also note that the luminance would accord with the Institute of Lighting Professionals best practice guidance.

6. However, the introduction of a large, elevated and illuminated digital display with changing images would be an unnecessary distraction at a point where drivers would need to have a heightened awareness of pedestrians, vehicles selecting the correct lane to leave the roundabout, and cars turning into the PFS site. Forward visibility may be good, but even with drivers exercising a reasonable standard of care, harm could result from any unnecessary distraction from the road ahead. Whilst I note the appellant's view that a 48-sheet digital display would not represent an unusual feature to passing motorists, it would be a new and atypical feature around this junction.
7. Due to its orientation, the proposal would have less impact on vehicles approaching from the north, although closer to the roundabout it may 'catch the eye' of drivers at a point where they are negotiating lane selection onto the roundabout, and with the possibility of pedestrians on the crossing.
8. The national Planning Practice Guidance¹ (PPG) advises that all advertisements are intended to attract attention, but those sited at points where drivers need to take more care are more likely to affect public safety. Such examples are given as at junctions, roundabouts, and pedestrian crossings, all of which are near the appeal site. The PPG notes that there are less likely to be road safety problems if the advertisement is within a commercial or industrial locality, which is not the case at the appeal site. Despite its urban setting, I consider the prevailing character is residential on the eastern side of Gurdwara Way.
9. The appellant has provided accident data for the area, advising that the incident record is low given the high volume of traffic using the roundabout. Crash data has also been supplied for a site at Hanover Way in Sheffield, to demonstrate that the provision of digital displays has no material impact on safety levels. However, this is isolated data for a single site, with limited information on which to gauge a comparison with the appeal site in terms of highway design and potential points of conflict. Reference is also made in the appeal statement to "industry research" on the effect of illumination on safety, but little information is given of its source. As such, whilst I have had regard to these factors, their support for the proposal is reasonably limited.
10. Remote operation of the display would remove the need for frequent site visits, but as there is no current signage in place this would offer no actual safety benefit. The sign could be used to display emergency public information, as suggested in the application covering letter, but no evidence has been supplied to indicate a particular need for such a facility in this location.
11. It is acknowledged that digital advertising has an important role to play in sustainable economic growth, and that it can often be facilitated on sites with appropriate mitigation measures. However, for the reasons outlined above, I am not persuaded that planning conditions would provide sufficient control to make the proposal a safe addition at this point.
12. The appellant has drawn attention to a digital display consented by the Council at Alfred's Way, although it does not appear to be directly comparable, being a replacement sign next to commercial property away from a junction. Having regard to this and the Sheffield site identified, as each case is assessed on its site-specific context, these examples offer only limited support to this proposal.

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

13. I therefore conclude that, on the basis of the information supplied, it has not been demonstrated that the proposal would be acceptable in terms of public safety. I have taken into account Policy D8 of The London Plan 2021 (TLP), Barking and Dagenham Core Strategy 2010 (CS) Policy CP3, and Policy BP7 of the Council's Borough Wide Development Policies Development Plan Document 2011 (DPD), which are material insofar as they relate to public safety.

Amenity

14. The appeal site is located within a busy urban area, but it is primarily residential property which surrounds the appeal site and junction. In this regard, I do not consider the area to be as mixed as suggested by the appellant. Although not within a conservation area or within the setting of a listed building, it is still appropriate to consider the local characteristics of the neighbourhood and the visual impact on its amenity.
15. The Framework confirms that the quality and character of places can suffer when advertisements are poorly sited and designed, and this is reflected in the requirements in TLP Policy D8 and CS Policy CP3 to ensure that the public realm is well-designed and relates to the local context and character; and DPD Policy BP7, which seeks to resist outdoor advertisements which detract from the character and amenity of the area.
16. The appeal documents show images of the proposal against a backdrop of trees. However, this planting is seasonal and at the time of the appeal site visit the dwellings were clearly visible behind and to the side of the grassland. There are signs associated with the PFS, but advertisements are not prevalent at this point, and the proposal would appear as a large and visually intrusive feature that would detract from the mostly residential, albeit urban, character of the area. It would introduce unnecessary visual clutter on an open and green space. In so doing, the visual amenity of the locality would be harmed.
17. This is an area with some large scale, tall buildings, and a sculpture is a notable feature within the roundabout. However, the appeal sign would mostly be seen against a backdrop of more domestic-scaled dwellings and open space. The distinct appearance and purpose of the roundabout sculpture as public art would not ameliorate the size and prominence of the proposed display.
18. I therefore conclude that the proposal would be detrimental to amenity. The Council's policies outlined above have not been decisive, but I have had regard to them as material considerations in this appeal.

Other Matters

19. The appellant advises that, as a Council-owned site, there would be associated benefits for the Council and its residents as a result of the proposal. However, this is not a factor relevant to an assessment of the effect on public safety and amenity, and has no weight in the determination of this appeal.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

H Lock

INSPECTOR