



Appeal Decision

Site visit made on 23 April 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 May 2024.

Appeal Ref: APP/Z5060/W/23/3329293

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Martin Stephens on behalf of JCDcaux against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref is 23/01224/FULL.
 - The development proposed is installation of 86 inch LDC communication hub.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development in the banner heading above is taken from the Council's decision notice, as there is no description on the application form.
3. The Council have referred to a Policy forming part of the London Borough of Barking and Dagenham's Draft Local Plan 2037 (Regulation 19 Submission Version, December 2021) (Draft LP). However, based on the stage of the Draft LP this Policy attracts only limited weight.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, and
 - highway safety.

Reasons

Character and appearance

5. The proposed development would be located on a footway opposite a large supermarket. The appeal site is not located within a Conservation Area or near to any heritage assets. Opposite the appeal site is a row of two storey dwellings which have open front gardens, which combined with the footways and off-street parking to the front of these dwellings, results in an open and spacious character and appearance.
6. The proposed development would be large and located close to the edge of the footway, next to the road. While the development has a narrow profile, its overall height and width, combined with its closeness to the road would result in a prominent feature for both road users and pedestrians. There is a general lack of advertisements on footways within the area which, combined with the

size and position, would make the proposal stand out as an alien feature that would erode the open and spacious character and appearance of the area.

7. I therefore conclude that the proposed development would harm the character and appearance of the area. It would be contrary to Policy D8 of the London Plan 2021 and Paragraphs 139 and 141 of the National Planning Policy Framework (the Framework). Amongst other things, these seek to ensure that development is well designed and the public realm is attractive.

Highway safety

8. The proposed development would be located close to the road and due to its overall height, width and illuminance, would draw the attention of road users, especially in the context of the largely uncluttered and open street scene. In particular, driver's leaving the service road for the supermarket would be looking towards the largely unlit residential properties opposite which will make the illuminated development stand out when dark and result in a distraction, even at low speeds.
9. Due to its overall width and height, the proposal would also partially obstruct views from the service road where large vehicles would be entering and exiting and could lead to driver's sight lines being blocked. The appeal site's location, in front of a large supermarket is likely to mean that pedestrian movements would be frequent and as such the vehicles could pose a potential danger to these users of the footway.
10. I therefore conclude that the proposed development would unacceptably harm highway safety. It would be contrary to Policies D8, T1 and T4 of the London Plan 2021, Policy BR10 of the Planning for the future of Barking and Dagenham Borough Side Development Policies Development Plan Document March 2011, Policy DMT1 of the Draft LP and Paragraphs 139 and 141 of the Framework. Amongst other things, these seek to ensure that the public realm is safe and development should not increase road danger.

Other Matters

11. I note that the proposal would provide a number of benefits which include, an integrated defibrillator, opportunities for free advertisements for the Council, free ultrafast Wi-Fi, free phone calls to landlines, charities and emergency services, device charging and the display of public messages. I also note that the unit would be powered by green energy and would use energy efficient technology. However, these benefits do not outweigh the harm I have identified.

Conclusion

12. For the reasons given above the appeal should be dismissed.

D Wilson

INSPECTOR