



Appeal Decisions

Site visit made on 31 October 2024

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2024

Appeal A Ref: APP/U5930/W/24/3342394

Pavement Outside 873 High Road Leytonstone, Leytonstone E11 1HR

- 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 Infocus Public Networks against the decision of Waltham Forest London Borough Council.
 - The application Ref is 232544.
 - The development proposed is Installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement.
-

Appeal B Ref: APP/U5930/H/24/3342395

Pavement Outside 873 High Road Leytonstone, Leytonstone E11 1HR

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Infocus Public Networks against the decision of Waltham Forest London Borough Council.
 - The application Ref is 232476.
 - The advertisement proposed is Installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement.
-

Decision

1. Appeal A is dismissed. Appeal B is dismissed.

Preliminary Matters

2. This appeal relates to both a planning application and advert consent application for development at the same site pertaining to a communication hub structure with advertisement to be incorporated into it. To avoid repetition, I have provided one reasoning section detailing my findings for both appeals. Notwithstanding this, each proposal and appeal has been considered individually, and on its own merits.
3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require decisions to be made only in the interests of amenity and public safety. Factors relevant to amenity are stated by the Regulations to include the general characteristics of the locality, including features of historic or architectural interest.
4. The Council have informed me that the new Waltham Forest Local Plan Part 1 2020-2035 has been successfully adopted in 2024 and is therefore given full weight in the decision-making process. Their original reasons for refusal refer to both the adopted plan policies at the time as well as the emerging Draft

Local Plan policies. The Council have confirmed the relevant plan policies that have been saved and these policies are afforded full weight.

Main Issues

5. The main issue with respect to Appeal A is the effect of the proposed development on the character and appearance of the area.
6. The main issue with respect to Appeal B is the effect of the proposed advertisement on public safety.

Reasons

Character and appearance

7. The local area is one of a busy high street shopping environment with retail, eateries and other commercial activities flanking both sides of the high street, mostly at ground floor level. There is also the typical street furniture that supports this type of local high street including streetlamps, street trees, cycle stands, bins and directional street signage. I could see from my visit that there is another hub style structure located within the footway, a few metres apart from the appeal site.
8. The proposed hub would be located in a position set away from both the front elevation of the McDonald's fast food restaurant but also set back from the main road within a wide area of public footway.
9. Given its positioning within the footway and located perpendicular to the road and not sufficiently close to other buildings as well as being positioned close to the open junction that leads to a car park from High Road Leytonstone, the proposal would have the effect of appearing as a standalone and visually exposed feature marooned within the footway. As a tall and wide structure it would not be well assimilated into the street scene of other typical street effects, and would be experienced as a prominent, standalone and visually intrusive structure that would serve to add visual clutter. Consequently it would be harmful to the character and appearance of the local area.
10. The proposed LCD screen on one side of the hub would be used to display commercial and community messaging and advertisements. Standalone LCD displays are not uncommon within the immediate vicinity. Indeed, there is a similar structure located within close range. However, as both would be seen in context to one another, this adds to the visual clutter that would arise. This specific screen would appear as an overly dominant and visually intrusive feature in this location which would detract from the amenity of the local area.
11. In respect of Appeal A, the proposal would harm the character and appearance of the local area. In relation to Appeal B, the reasoning above applies equally with regards to the effect of the proposed advertisements on amenity. Thus, in relation to Appeal B, the proposal would have an unacceptable and harmful effect on amenity. As a result, both Appeal A and Appeal B are not compliant with Policy 53 of the Waltham Forest Local Plan 2020-2035 that amongst other things aims for design to reinforce and/or enhance local character.

Public safety

12. The pavement is wide at this point where the hub would be positioned. Individuals would have ample space to navigate past the structure without colliding, even with this area having a heavy footfall. Therefore, I do not consider it would impede pedestrian safety.
13. It would be located close to a car park access and egress point. Vehicle speeds are slow upon entry and exiting here. Upon exiting, drivers can only turn left onto High Road Leytonstone. At the junction, the driver sits behind the broken white lines before moving forward towards High Road Leytonstone, and despite its proposed location, taken with the wide access here allows the driver to have good visibility sightlines of on-coming traffic and pedestrians. In addition, once past the broken white line, they enter onto an 'holding' area with its different surface material. At this point, the driver's line of sight would be past the structure before they would safely exit onto the road. Therefore, I am not convinced that the hub would impair driver visibility upon exiting the car park or lead to a public safety concern.
14. Nor do I find the changing nature of the imagery, or the digital properties of the advertisement positioned in this location would lead to a driver or pedestrian distraction that would result in a public safety issue.
15. To that end, I conclude that public safety would be safeguarded and in respects of both appeal A and appeal B, the proposal would accord with the broad public safety objectives of Policy 60 of the Local Plan 2020-2035.

Other Matters

16. The proposed development would provide some public benefits in the form of free ultrafast Wi-Fi, free phone calls to landlines, wayfinding, device charging, rapid connection to emergency services and public messaging capabilities. However, the limited scale of the proposal, and the fact that the public can already achieve these things in other ways, means that the benefits are very limited. The proposed hub would also incorporate a defibrillator. While these facilities are vital for public health, there is nothing before me to suggest this is the only means to secure this device.
17. An absence of public objection is neutral in the overall scheme of things and neither weighs for or against the proposal.

Conclusion

18. Although I have come to the conclusion I have reached with regards to public safety, the proposal would not safeguard amenity and therefore the proposal must fail. On this basis, the appeal A is dismissed, and Appeal and B is dismissed.

Alison Scott

INSPECTOR