



Appeal Decision

Site visit made on 10 April 2025

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2025

Appeal Ref: APP/U5930/Z/25/3358933

536 High Road, Leytonstone, E11 3EQ

- 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 Wildstone Estates Limited against the decision of the London Borough of Waltham Forest Council.
 - The application Ref is 242360.
 - The advertisement proposed is the installation of a digital advertising screen (D-Poster).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the decision made by the Council on the application to which this appeal relates, the Government published a revised National Planning Policy Framework (December 2024) (the Framework). I consider that there have been no major changes relevant to the main issues in this appeal. It will therefore not prejudice any party by making my decision with regard to the revised Framework.

Main Issues

3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) sets out that powers under those Regulations shall be exercised only in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.
4. From the material submitted for the purposes of this appeal the main issues are the effect on:
 - The character and appearance of the local area; and
 - Public safety as it relates to road users.

Reasons

Character and Appearance

5. The appeal site comprises the gable wall of the end of terrace property at 536 High Road, a three storey building in commercial use. This sits at the junction with Ferndale Road, onto which the gable end faces. The terrace of which the appeal

property forms part faces onto the High Road and appears to be predominantly in commercial use. Beyond the ribbon of commercial uses on this part of High Road, the area is predominantly residential

6. On properties along this part of the High Road there are a variety of advertisements evident, including a non-illuminated large poster advertisement on the gable of the property on Ferndale Road directly opposite. The other advertisements in the immediate vicinity are predominantly shop signage with a variety of illumination types. These advertisements are smaller in scale and at street level. Overall, the local level of advertising is mainly associated with retail or service uses and is generally visually restrained and unobtrusive.
7. The gable of the appeal property is the current location of a non-illuminated poster installation that spans between the first and second floors. This appears to be part of a local community art installation rather than an advertisement, and similar posters illustrating local community and environmental themes are evident on the gable ends of similar properties in the immediate local area. Whilst the proposal would involve the removal of this community display, it is paper based and of a temporary nature. The proposal would also be on the flat area of the gable and would not obscure any existing architectural or decorative features of the building.
8. The proposal is for a digital LED advertising screen with surrounding hoarding that, in total, would measure 4.7 metres in height, 3.2 metres in width and with a depth of 0.1 metres. This would span the full height of the first and second floor of No.536, positioned at a height of 4.75 metres above ground level, tight to the corner of the gable end with the front elevation.
9. The proposed LED screen would display a cycle of static advertisements, with each advertisement displayed for 10 seconds with a rapid fade between. The proposal is that levels of illumination could be controlled by time of day and ambient light conditions, but would be no greater than 150 cd/sqm at night, and would be switched off between 23:00 and 06:00. This would accord with the maximum threshold recommended by the Institute of Lighting Professionals (ILP). Both of these two aspects of the proposal could be appropriately controlled through a suitable worded condition on an approval.
10. A proposal for a digital LED advertising screen of a slightly larger 3 metres by 6 metres size, with a horizontal rather than the proposed vertical orientation, was the subject of a previously dismissed appeal¹ in 2023. Although the proposal is for a smaller LED advertising screen than the dismissed appeal proposal, given the evident similarities in location and type of advertisements proposed, I have given this previous and relatively recently dismissed appeal great weight in my considerations.
11. The proposed LED advertising screen would be approximately 25% smaller in area than that of the dismissed appeal proposal and would be vertically rather than horizontally orientated. However, similar to the dismissed appeal proposal, it would occupy a significant proportion of the above ground gable elevation of the appeal property. As a result, although smaller, it would, due to its size, prominent position and the changing cycle of internally illuminated advertisements, appear as an

¹ Appeal Ref: APP/U5930/Z/23/3324926

overly dominant and intrusive feature on the gable of the appeal property, particularly in views from nearby dwellings in Ferndale Road.

12. In wider street views, from both the High Road and Ferndale Road, the size and prominent position of the proposal would result in it appearing as an unduly conspicuous and discordant feature within the streetscene. The proposal would, therefore, be in contrast to the existing modest scale of advertising evident in the local area that is small scale, or visually restrained and unobtrusive.
13. Although there was previously a poster site of similar size on the gable of the appeal property, this was a paper poster type of advertisement. As this did not reflect the type of illumination of the LED advertising screen proposed or have a cycle of 6 changing advertisements every minute, the proposal would appear as a significantly more conspicuous feature.
14. Although the High Road is a well-lit street, the proposal would, due to its size and type of display, appear as a dominating feature with an overly assertive presence, incongruous within its context, and would be detrimental to the character and appearance of the local area.

Public Safety

15. The Planning Practice Guidance (PPG) states that all advertisements are intended to attract attention, however, those proposed at points where drivers need to take more care are more likely to affect public safety. It advises further that the main types of advertisement which may cause danger to road users are those that are illuminated and those subject to frequent changes of the display.
16. During my late morning weekday site visit, the street, with a limit of 20mph, appeared to have a continuous flow of traffic, with many pedestrians traveling along the street and using the pedestrian Zebra crossing located between the railway bridge over High Road at Leytonstone High Road Overground Station and Ferndale Road. Local pedestrian movement at the time of my site visit appeared to be mostly focused on the overground station.
17. The proposed LED screen would face towards road users travelling towards Ferndale Road under the railway bridge. In the forward view of these road users, the proposed LED advertising Screen, with its changing cycle of internally illuminated advertisements, would appear directly in the background of and in conjunction with the Zebra crossing and its users.
18. As part of their appeal submission, the appellant has provided a revised Highways Technical Note (HTN) to that submitted with the original application. This includes a review of road traffic collisions (RTC) in the immediate area between 2019 and 2023, which shows that only 1 RTC occurred in a position from which the proposed sign would be visible. The HTN concludes that, on the basis of a study of 5 other locations that the installation of LED advertising Screens with similar displays to that proposed, the proposals would, likewise not result in any increase in RTC's caused by driver distraction.
19. However, the HTN does not fully address the effect of the proposal on road users directly approaching the Zebra crossing on High Road, when under the railway bridge. In this location the proposal would be seen by road users as being in the in

the background to the crossing and in conjunction with people approaching and using the crossing.

20. It is also evident from the information provided in the HTN, that the case study used locations that do not closely reflect the circumstances of the appeal site, particularly in relation to the presence of a Zebra crossing. These case studies were also of locations where permission had been given on the basis that the proposed screens would not present a likely harm to public safety. There are, However, I note that there are also many other locations where LED advertisement screens have been refused on the basis of their likely harmful effect on the safety of users of the highway.
21. The HTN also draws attention to 4 other locations with approved LED advertising screens that the appellant regards as having similar circumstances to the proposal. Whilst these do have some similarities to the proposal in that the screens are located on gable ends. These do not directly replicate those of the appeal location and would have been considered on their own individual merits, as I have done with the proposal, which is a main tenet of the planning system. I have, therefore, only afforded the study, exemplars and conclusion set out in the HTN only moderate weight in my considerations.
22. Whilst the proposed luminance of the proposed digital billboard would be satisfactorily, it would also involve static advertising displays changing every 10 seconds. This would draw the eye of road users, increasing their visual interaction with the display, in a location where a very high level of observation of the Zebra crossing and other road users, particularly pedestrians using the crossing is necessary. This would be particularly true during the longer winter nights, where the changing advertisements on the proposed LED screen would be particularly conspicuous.
23. As such, the proposal, with its almost instant periodic transition of the internally illuminated advert displayed, presents a significant risk of distraction for drivers as they approach the Zebra crossing, especially in relation to the need to pay attention and to stop for pedestrians using the crossing. This distraction would pose a significant risk to pedestrians, as well as other motorists and other more vulnerable road users such as cyclists.
24. Consequently, I find that, as a result of the digital transition between illuminated advertisements, the proposal would have the potential to distract road users at a time when they should be paying due care and attention to road related activity. The proposal would, therefore, constitute a risk to highway safety and would conflict with the Framework and PPG in this regard.
25. For the reasons given above, I find that the proposed advertisement would result in significant harm to the character and appearance of the appeal property and that of the local area, as well as significantly harmful to public safety as it relates to the use of the highway. This would conflict with Policies 53 and 59 of the Waltham Forest Local Plan - LP1 (2024). Collectively these seek to ensure that advertisements reinforce local character and distinctiveness avoid negatively impacting any host building, complement the character, context and visual amenity of the surrounding area and allow for highway safety.
26. The appellant has drawn to my attention the potential benefits of the proposal, including the benefit of the potential advertisement opportunities for local business,

that I have given only moderate weight in my considerations, as the degree to which it would be used by local businesses is not fully enumerated. Other benefits set out by the appellant include the environmental benefits of no waste that would result from a from paper poster display, although no paper poster display currently exists. The social benefits indicated for public, or emergency messages are indicated as possible but not definite. The economic benefits of an increase in rent for the location and concomitant increase in business rates are also only potential rather than definite benefits of the proposal. The ability to integrate additional hardware to meet 'Smart City' objectives is also a potential and not a definite benefit. As these benefits are potential, marginal or limited, I have only afforded them limited weight in my considerations.

Planning Balance and Conclusion

27. I find that the benefits of the proposal as set out above do not outweigh the harm to character and appearance and public safety that I have identified. The appeal is dismissed accordingly.

V Callister

INSPECTOR