



Appeal Decision

Site visit made on 8 April 2025

by **L Clark BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 May 2025

Appeal Ref: APP/G5750/Z/24/3353123

156 Barking Road, Canning Town, Newham, London E16 1EN

- 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 Dr Reza Shamisa of Canning Town Dental Practice against the decision of the Council of the London Borough of Newham.
 - The application Ref is 24/00505/ADV.
 - The advertisement proposed is display of 3 x illuminated fascia signs.
-

Decision

1. The appeal is dismissed insofar as it relates to 1 illuminated fascia sign (item 1) positioned at the upper floor level.
2. The appeal is allowed insofar as it relates to 2 illuminated fascia signs (items 2 and 3) positioned at ground floor level, and express consent is granted for 2 illuminated fascia signs at 156 Barking Road, Canning Town, Newham, London E16 1EN. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Preliminary Matter

3. The National Planning Policy Framework (the Framework) was revised in December 2024, with further minor updates in February 2025. As the changes do not materially affect the main issue in this case, the parties have not been invited to make further comments.

Main Issues

4. 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.
5. The main issues are the effects of the proposed advertisements on the character and appearance/visual amenity of the area, and the effect on public safety.

Reasons

Character and appearance/Amenity

6. The appeal site (No 156) is set within a three-storey building in commercial use, in a busy and predominantly commercial area. No 156 and the adjoining properties are laid out in a curved arrangement which sweeps the junction with

Beckton Road and Barking Road. Its frontage is broken up with regularly spaced vertically painted features to the upper two floors. This design draws the eye to the upper floor and creates interest and rhythm to the block and sweeping building line. Commercial uses are prevalent in the surrounding area and include a variety of advertisements, which predominantly consist of fascia signs and small-scale projecting signs at ground floor level. As a result, advertisements are an established and common feature within the immediate street scene. I saw that there were a few examples of advertisements on building frontages above this level, however, there was a clear visual distinction between the commercial uses at street level and the uncluttered building frontages above this.

7. The proposed signage at the ground floor would replace existing signage of similar dimensions set close to the main entrance of the dental practice. These signs would be positioned at low-level and set away from the most prominent parts of the building. Their position and illuminated nature on the frontage would reflect the character of the surrounding commercial uses. As such, the ground-floor advertisement would not cause an unacceptable level of harm, by reason of their position or illuminance, to the visual amenity of the site and the surrounding area.
8. In contrast, even with a minimal projection, given the height and illumination of the upper floor fascia sign, it would be particularly visible along Barking Road. Its elevated and highly prominent position would be seen in isolation, which would exacerbate its presence. This would contrast unfavourably with the predominant lower position of nearby commercial signage. Given its visual prominence from Barking Road and the junction with Beckton Road, its incongruous and uncharacteristic position would be harmful to visual amenity.
9. For the above reasons, I conclude that the upper floor advertisements (item 1) would be harmful to the visual amenity of the area, but the two lower ground floor advertisements (items 2 and 3) would not be harmful to the visual amenity.
10. I have taken into account as material consideration policies Policy D3, D8 of the London Plan 2021 and Policies SP1, SP3 and SP8 of the Newham Local Plan 2018 – A 15-year plan looking ahead to 2033 (Local Plan), which seeks to protect amenity and the guidance contained within the Framework. I have concluded that the proposed upper floor advertisement (item 1) would harm amenity, and the proposed advertisement therefore conflicts with these policies. Given that I have concluded that the two ground floor advertisements (items 2 and 3) would not harm amenity, the proposed advertisements therefore comply with these policies.

Public Safety

11. 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. The PPG further advises on the main types of advertisement which may cause danger to road users. These include, amongst other matters, those which obstruct or impair sight-lines at corners, bends or at a junction, or at any point of access to a highway; those which, because of their size or siting, would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal, or would be likely to distract road-users because of their unusual nature; those externally or

internally illuminated signs (incorporating either flashing or static lights) including those utilising light-emitting diode technology; or where the means of illumination is directly visible from any part of the road.

12. The Council contend that the high level of illuminance of the proposed signage, together with their prominent siting, would cause distraction to nearby road users. Notably, they would distract those travelling along Barking Road in a western direction.
13. I saw that Barking Road has a fairly straight alignment, and that No 156 is set back from the road by a wide pavement with vehicular and pedestrian movement controlled by traffic lights and pedestrian crossings. I also saw that the traffic signals bring traffic to a halt before people cross, and the nearby McDonald's has an illuminated totem sign set close to Barking Road, which terminates approximately at the same height as the upper advertisement (item 1).
14. The appellant has stated on their application form that the level of illuminance for all advertisements would be 600 cd/sqm and static. Even if this level were high, the advertisements on the ground floor (items 2 and 3) would be viewed alongside similar advertisements on adjoining and nearby properties and would be assimilated into the commercial backdrop.
15. Even though the upper advertisement (item 1) would be viewed in isolation and therefore be more visible when travelling along Barking Road, its position would likely be higher than the nearby traffic signal and above the direct line of sight for observers. Whilst highway users would need to be alert when entering the junction, I have no substantive evidence from the Council to demonstrate that the level of illuminance or its position would result in a distraction to, or reduce the ability of, road users, or that it would obscure any security or surveillance device or for measuring speed. Moreover, the presence of another illuminated prominent advertisement at McDonalds, lends weight to my conclusion that the proposed advertisement is acceptable.
16. For the above reasons, I conclude that the proposed advertisements would not compromise the safety of persons using the highway and therefore would not conflict with public safety.
17. I have taken into account as material considerations policies Policy D3 and D8 of the London Plan, and Policies SP1, SP3 and SP8 of the Local Plan, which collectively seek to minimise negative impacts on vulnerable road users and create safe and secure environments by promoting road safety. Given that the proposed advertisements would not harm public safety, they would comply with these policies.

Other Matters

18. The appellant contends that the existing commercial premises are competing with similar online-based and 'brick and mortar' businesses within the immediate area. However, I have not been directed to any similar local businesses, and as such, this matter does not outweigh the harm I have identified above.

Conclusion

19. As the two ground-floor signs (items 2 and 3) are independent of the upper fascia sign (item 1), it is possible in this case to make a split decision with regard to the

different elements of the proposed advertisement. Accordingly, the appeal fails in respect of the internally illuminated sign at the upper level (item 1) but succeeds in respect of the two internally illuminated signs at the ground floor (items 2 and 3).

20. As an advertisement is involved, the consent should be subject to the five standard conditions included in the 2007 Regulations.

L Clark

INSPECTOR