



Appeal Decisions

Site visit made on 17 April 2025

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 May 2025

Appeal A Ref: APP/U5930/W/24/3353884

Pavement Outside 624 - 626 High Road, Leytonstone, Waltham Forest E11 3DA

- 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 Nathan Still on behalf of Infocus Public Networks Limited against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref is 241144.
 - The development proposed is Installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement.
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Appeal B Ref: APP/U5930/H/24/3353885

Pavement Outside 624 - 626 High Road, Leytonstone, Waltham Forest E11 3DA

- 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 Mr Nathan Still on behalf of Infocus Public Networks Limited against the decision of Council of the London Borough of Waltham Forest.
 - The application Ref is 241046.
 - The advertisement proposed is Installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. Appeal A relates to the refusal of planning permission for the proposed communication hub. Appeal B relates to the refusal of advertisement consent for the digital signage which would be an integral part of the hub proposed under Appeal A. I have combined the appeals into a single decision letter as they are intrinsically linked and raise similar issues though I have considered each on its individual merits.
4. In respect of Appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) stipulate that control may be exercised only in the interests of amenity and public safety. Therefore, whilst the development plan policies referred to by the Council are not determinative, I have taken them into account where relevant.

Main Issues

5. In relation to Appeal A the main issues are the effect of the proposal on the character and appearance of the area and upon users of the public highway.
6. In relation to Appeal B the main issue is the effect of the advertisement on the visual amenity of the area.

Reasons

Character and appearance and visual amenity

7. The area is a bustling high street shopping environment with a mix of retail, eatery and other commercial uses on both sides of the road. I saw that a wide range of street furniture can be found in the vicinity, as would be expected in such an area. This includes cycle racks, public seats, signage, street lighting, bus shelters, telephone kiosks and a pair of clothing recycling units.
8. The proposal would be of substantial size, being over 2 metres in height and of notable width resulting in a rectangular, boxlike structure. Its position, although close to the edge of the highway, would be in proximity to the existing clothes recycling units, street trees and seating. Consequently, whilst the proposal would be located within an overtly commercial area, it would nevertheless contribute to a sense of clutter in this part of the street, particularly when viewed in the additional context of the external sales display and seating areas associated with nearby buildings. Furthermore, its size, form and orientation would lead to it appearing as an imposing and prominent feature within the street.
9. The proposed LCD screen would display advertisements comprising commercial and public messaging. The commercial character of the area means that advertisements and illuminated signage are not uncommon. However, digital advertisements of a comparable size are not common features, and as a result the screen would be prominent and intrusive. Although the brightness of the screen could be controlled, the advertisement would remain particularly noticeable and harmful.
10. Therefore, in respect of Appeal A, the proposal would harm the character and appearance of the area. In relation to Appeal B, my reasoning applies equally to the effect of the proposed advertisements on amenity. As a result, in relation to Appeal B, the proposal would have an unacceptable and harmful effect on amenity. Consequently, both Appeal A and Appeal B would conflict with Policies 53 and 59 of the Waltham Forest Local Plan ('WFLP') and Policy D8 of the London Plan, which together, and among other matters, aim for design to reinforce and/or enhance local character, and state that advertisements and signage should avoid the creation of street clutter.

Users of the public highway

11. The area to the front of commercial properties on the road is not always clearly demarcated and some units have external seating and goods display areas. Therefore, while any lack of demarcation may give the impression that the footway is wide and expansive in this location, I acknowledge that the available footway does not always extend to the frontage of buildings.

12. The proposal would be located close to the roadside, as is suggested within the Transport for London Streetscape Guidance (2022). However, the street furniture in this part of the street can be found both close to the roadside edge and in a more set-back position, whereas the guidance assumes three broad areas, with the majority of street furniture located in a channel closest to the roadside. The existing situation does not reflect this, which reduces the relevance of the best practice guidance in this instance.
13. Combined with the areas given over to product display and seating areas, the arrangement of street furniture results in an area of public realm which presents navigational challenges in an area where footfall might reasonably be expected to be high. These issues would be exacerbated by the proposal.
14. Furthermore, the appeal site is located close to a pedestrian crossing, where it is expected that pedestrians and wheelchair users would be seeking to move in a variety of directions. Taken together, these factors mean that the proposal would, if not being inherently harmful to pedestrian safety, would nevertheless reduce the attractiveness of the overall walking environment.
15. The proposal would serve a number of functions in a single unit. While this could represent consolidation, it has not been shown that it would result in an overall reduction in street furniture in this location.
16. The proposal would be harmful to users of the public highway. It would be contrary to WFLP Policies 59 and 60 which state, among other factors, that new development should contribute to the delivery of more attractive, accessible, healthy and safe streets, and that advertisements and signage should allow for ease of pedestrian access.

Other Matters

17. Paragraph 119 of the Framework indicates that an advanced, high quality and reliable communication infrastructure is essential for economic growth and social wellbeing. The Framework also seeks to support the expansion of electronic communications networks.
18. The proposed hub would incorporate a range of services including online access, phone calls, wayfinding and device charging. It would also form part of a wider network of apparatus providing efficient, reliable and free-to-use public services. There is also potential for the proposed interactive screen to be made available to the Council for public service messaging. The integrated defibrillator would provide important potentially lifesaving equipment. However, while these would all be benefits of the proposal, it has not been shown that they could not be otherwise delivered either in an alternative form or alternative location.
19. It is also stated that the provision of advertisements would contribute to the vitality of the surrounding commercial area through the promotion of consumer spending. However, there is no indication that the proposed advertisements would be relevant to nearby businesses. Consequently, I afford this little weight in my considerations.
20. There is no suggestion that the proposal would lead to harm to the significance of heritage assets. However, the absence of any such harm is a neutral factor, and does not weigh in favour of the proposal.

Balance and Conclusion

21. For the reasons given above, the proposals under Appeal A and Appeal B would harm the character and appearance and visual amenity of the area. Appeal A would also result in unacceptable impact to pedestrian amenity by increasing inconvenience for pedestrians in a busy part of the town centre. Whilst the proposals would offer public benefits, these would not outweigh the harms identified. Accordingly, I conclude that Appeals A and B should be dismissed.

C Harding

INSPECTOR