
Appeal Decision

Site visit made on 16 May 2025

By SJ Desai BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2025

Appeal Ref: APP/B5480/Z/25/3363489

23 New Road, Rainham, Essex RM13 8DJ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of the Council of the London Borough of Havering.
 - The application Ref is A0070.24
 - The proposed advertisement is described as 'Erection of a double sided freestanding D48 advertising display'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have determined the appeal on the basis of the description of the proposed advertisement contained within the application form, which I have used above, as it more accurately describes the proposal. For the avoidance of doubt, I confirm that my determination of the appeal is based on the drawings submitted with the original application. These are those referenced in the Council's decision notice upon which the Council made its determination.

Main Issues

3. The main issues are:
 - the effect of the proposed advertisement on amenity; and
 - the effect of the proposed advertisement upon public safety.

Reasons

Amenity

4. The appeal site is located within an area of open land, containing soft landscaping, on the northern side of New Road (A1306) adjacent to a petrol filling station with a single storey retail unit and associated facilities. The site is surrounded by a mix of commercial light industrial and residential properties, and the Beam Park redevelopment site further to the south. There are limited examples of similar advertisements located close to junctions within this section of the A1306.
5. The area of open land where the appeal scheme would be located is read as being distinct from the wider petrol filling station, particularly when viewed from the west or south. Although the site is not designated as having special heritage or

- landscape value, it offers a rare element of openness giving it an identifiable character clearly apparent along a heavily trafficked section of the A1306 corridor.
6. The site is included within the Policy SSA 12 Rainham West site allocation as identified by the Site Specific Allocations Development Plan Document (2008) (SSA). This requires development to not prejudice the development of adjoining sites and that development either side of the A1306 must embrace the road frontage and seek to integrate the new and existing communities north and south of New Road.
 7. The proposed advertisement, as a result of its significant scale, solid form and position close to the footway, would result in an overly dominant, overbearing and visually intrusive feature. It would not complement the function of the space and would materially erode the perceived openness of the site harming the character and appearance of the area.
 8. When observed from the west and east along the A1306, the proposed advertisement would be read in conjunction with the various paraphernalia and advertisements of the petrol filling station and adjacent bus stop, cumulatively creating a level of visual clutter that is out of keeping and harmful to the surrounding character. Although the appellant has set out a willingness to reduce existing advertisements on the wider petrol filling station site, I have no mechanism before me to secure such a commitment.
 9. The policy aspirations for the Rainham West SSA promote high-quality development that integrates communities on both sides of New Road and enhances the interface with the road frontage. The proposal fails to embrace or enhance the frontage and instead introduces a harmful feature that conflicts with the overarching regeneration vision for the area.
 10. I accept that the digital illumination of the panel can be regulated through ambient light sensors and conditions consistent with industry standards. I further agree with the Council that in terms of luminance alone, the proposal would not materially harm nearby residential amenity. However, this does not negate the significant harm arising from the advertisement's physical presence.
 11. I do not have the full details of the circumstances that led to the examples of existing similar advertisements highlighted by the appellant being erected at 14 and 41 New Road or at the Marsh Way junction of the A1306. On the evidence presented I therefore cannot be certain that they present a direct parallel to the development. I have, in any event, determined the appeal based on its own planning merits have regard to its specific locality.
 12. For the reasons given, I therefore find that the proposal would harm the amenity of the area. It would therefore also conflict with Policy D8 of the London Plan (2021) (LP) and Policy 26 of the Havering Local Plan 2016-2031 (2021) (HLP) and the SSA, which amongst other matters, seek advertisements to be sensitive to the character of the area and visually unobtrusive and ensure that development embraces the road frontage. The advertisement would also conflict with the National Planning Policy Framework (the Framework), which cautions that the quality and character of places can suffer when advertisements are poorly sited and designed.

Public safety

13. The adjacent signalised junction of the A1306 comprises controlled staggered crossings on two of the arms at the New Road (West Arm and East Arm) approaches and controlled straight crossings on the Lower Mardyke Avenue and Anderson Way arms. The proposed advertisement would be orientated so that one screen would face towards the New Road westbound carriageway and the other towards the New Road eastbound carriageway.
14. The proposed advertisement would be visible to drivers navigating lane changes, signal phases, and turning. Although the Planning Practice Guidance (PPG)¹ recognises that advertisements are designed to attract attention and that digital signage is no longer unusual in urban settings, it also emphasises that advertisements situated at locations where drivers must take additional care, such as junctions and pedestrian crossings, are more likely to present safety risks.
15. The proposed advertisement would be particularly visible to road users approaching from New Road (West Arm) and the Lower Mardyke Avenue arm of the junction. The immediate road environment is already complex due to the presence of a bus lane commencing shortly after the appeal site, a signalised pedestrian crossing, access and egress to a petrol filling station and a nearby bus stop. The features necessitate heightened attentiveness and concentration for all road users particularly drivers, pedestrians and cyclists. The introduction of the proposed advertisement in such a location would, in my view, create a significant distraction. This would be detrimental to highway safety and increases the potential risk of collisions between road users particularly during hours of darkness.
16. Also of concern is the intervisibility between the proposed advertisement and the nearside primary traffic signals (West Arm) and pedestrian signal controlling the west-to-east crossing of Lower Mardyke Avenue. The structure's proximity to these elements could limit views of traffic signals at a critical decision point. The appellant's reference, within the highway safety report, to a revised location for the proposed advertisement is noted, but as no formal revision is before me and my decision is based on the original plans that have been reviewed by the Council and Transport for London.
17. I am satisfied, based on the evidence before me, that there would be no conflict with highway safety in respect of road users utilising the New Road (East Arm) approach despite the proposed advertisement being in an off-side carriageway position, or the controlled straight crossing on the Anderson Way arm of the junction.
18. In reaching these conclusions I acknowledge the advice contained within the Transport for London 'Guidance for Digital Roadside Advertising and Proposed Best Practice' (March 2013), the representation from Transport for London and the appellant's submission of a highway safety report including its collision data, which sets out that a relatively limited number of road traffic accidents have been recorded in the area. I also note the ability to regulate brightness and content through conditions. However, I am not satisfied these measures would adequately mitigate, the distraction risk presented by the advertisement's prominent siting and

¹ Paragraph 067 Reference ID: 18b-067-20140306

scale, particularly in the context of a busy and cognitively demanding road environment.

19. Thus, based on the evidence before me, overall, I find that the proposed advertisement display would harm public safety. As such the scheme would also conflict with Policies T2 and D8 of the LP and Policy 23 of the HLP. The proposed advertisement would have an unacceptable impact on highway safety at this location and therefore also conflicts with the Framework.

Other Matters

20. I have had regard to the environmental, social and economic benefits of the proposal as set out by the appellant, which include a reduced number of maintenance visits to site, potential use for non-commercial purposes such as charitable campaigns and increased business rates payable to the Council. However, these modest benefits would not outweigh the harm that I have identified.
21. In addition to the five standard conditions set out in Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations, the appellant has suggested additional conditions that could be used to control the illuminance and frequency of imagery, to turn off the display in the event of malfunction, to prevent moving images and those that resemble road signs and traffic signals, and to ensure smooth transition between sequential images. Taking account of the proposal and its context, these measures would not be sufficient to avoid the harm identified to amenity or public safety.
22. The Council have alleged conflict with Policy D4 of the LP which primarily relates to the design process and scrutiny. This Policy is principally strategic in nature and therefore has not been decisive in my findings

Conclusion

23. For the reasons given above, I conclude that the display of the proposed advertisement would be detrimental to the interests of amenity and public safety. The appeal should therefore be dismissed.

SJ Desai
INSPECTOR