
Appeal Decision

Site visit made on 21 December 2022

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2022

Appeal Ref: APP/X2220/H/22/3293594

Telephone box outside Specsavers, Biggin Street, Dover CT16 1BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Ben Porte, New World Payphones against the decision of Dover District Council.
 - The application Ref 21/01062, dated 29 June 2021, was approved on 25 January 2022 and planning permission was granted subject to conditions.
 - The development permitted is the display of internally illuminated digital display integrated within telephone kiosk.
 - The condition in dispute is No 8 which states that: The advertisement hereby approved shall not exceed 600 candela/sqm as advised by the Institute of Lighting Professionals' publication PLG05 (2015): 'The Brightness of Illuminated Advertisements'.
 - The reason given for the condition is: In the interests of visual amenity and road safety.
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Decision

1. The appeal is allowed and condition No 8 is deleted from planning permission Ref 21/01062, dated 29 June 2021, and replaced by the following condition:

8) The brightness of the advertisement hereby approved shall be controlled by an ambient light sensor and dimmer system and shall not exceed 280 candelas per sq m after dark and 2500 candelas per sq m during daylight hours.

Main Issue

2. The main issue is how the condition should be framed to protect the interests of visual amenity and road safety.

Reasons

3. Planning permission was granted in January 2022 for a modern telephone kiosk in Biggin Street, the rear of which will comprise an internally illuminated LCD advertisement display. Amongst other conditions, No 8 restricts the brightness of the advertisement to 600 candelas per sq m, said to be in accordance with the relevant guidance 'The Brightness of Illuminated Advertisements' from the Institute of Lighting Professionals.
4. However, Table 4 in the guidance states that this figure is the recommended maximum during the night with 5000 candelas per sq m the maximum during the day when ambient light levels are obviously greater.
5. In this case the application form states that the illumination level would be 280 candelas per sq m but the appellant has now clarified that this would be the figure at night with 2500 candelas per sq m the maximum brightness

during the day. For reasons that are not explained the appellant seeks a limit of 600 candelas per sq m during the night as per the guidance maximum but there is no justification for a figure higher than that applied for, namely 280 candelas per sq m. The proposed daytime figure, again below the guidance maximum, can be accepted.

6. There is no dispute that a condition is necessary in order to prevent excessive brightness detracting from the visual amenity of the area and/or causing a road safety hazard. The condition should therefore be replaced to ensure the advertisement is controlled by a light sensor and dimmer system with suitable brightness limits that distinguish between night and daytime.

Conclusion

7. Having regard to the above, the appeal should be allowed and condition No 8 replaced with the revised version set out in the formal decision.

David Reed

INSPECTOR