



---

# Appeal Decision

Site visit made on 22 May 2023

**by G Sylvester BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7 July 2023**

---

**Appeal Ref: APP/M2270/Z/22/3310625**

**Pavement Adjacent To Castacrete Ltd, Lamberts Road, Royal Tunbridge Wells, Kent TN2 3EJ**

- 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 Tunbridge Wells Borough Council.
  - The application Ref 22/02185/ADV, dated 14 July 2022, was refused by notice dated 15 September 2022.
  - The advertisement proposed is the erection of new digital poster display.
- 

## Decision

1. The appeal is allowed and express consent is granted for the erection of a new digital poster display, as applied for. 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 and the following additional conditions:
  - 1) Between dusk and dawn, the intensity of luminance of the advertisement permitted by this consent shall be no greater than 300 cd/m<sup>2</sup>. At all other times, the intensity of the illumination shall be no greater than that recommended by the Institute of Lighting Professionals in its Professional Lighting Guide 05: The Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide).
  - 2) Each advertisement shall be displayed for no fewer than 10 seconds. The interval between successive displays shall be instantaneous (0.1 seconds or less) with a smooth instant change into the next static poster image. The complete screen shall change, and there shall be no visual effects (including swiping, animation, flashing, scrolling, fading, merging of images or video elements) of any kind before, during or after the display of any advertisement.

## Procedural Matters

2. I have used the address given by the Council in the banner heading above as this more accurately describes the site location. This address coincides with that given in the appellant's appeal form and I am satisfied that using this address would not prejudice the interests of any party.
3. I have had regard to the location of the site within an Area of Special Control for Advertisements.

## Main Issue

4. The main issue is the effect of the proposed advertisement on public safety.

## Reasons

5. The appeal proposal would involve the removal of the existing pair of paper and paste type billboards, which both benefit from deemed consent, and their replacement with a single internally illuminated digital poster display.
6. The proposal would be displayed in the same location as the existing billboard, set on the back edge of the footway and facing Dowding Way, on the outside edge of the bend in the road. Due to its position to the side of Dowding Way, the proposed display would not appear prominent to road users travelling in the direction of the railway bridge.
7. However, like the existing billboard type adverts, the proposed display would directly face road users travelling downhill along Dowding Way from the narrow railway bridge, and towards the traffic light controlled junction with Lamberts Road. Whilst just a snapshot in time, I saw that vehicle speeds along this section of road in the direction of Lamberts Road were relatively low and traffic was relatively free flowing due to effect of the traffic lights at the railway bridge. The road layout between the railway bridge and the Lamberts Road junction is relatively straightforward to navigate.
8. The proposed display would be clearly visible to drivers travelling along this stretch of road and towards the bend in the road. Given the length of road over which the proposed display would be visible, it would not come as a surprise to drivers navigating the bend on the approach to the Lamberts Road junction. Seen at a lower level looking downhill towards the bend in the road, the proposed display would not draw the attention of drivers away from the road, or from oncoming traffic and vehicles queuing back from the Lamberts Road junction. As successive adverts would be displayed for no fewer than 10 seconds and would change instantaneously, drivers would not be likely to view more than one change of advert before passing the proposed display. As such, they would not be distracted by frequent changes in adverts.
9. The proposed display would be offset from the traffic light controlled junction with Lamberts Road. As such, it would not conflict with a clear view of the traffic lights for drivers approaching the junction from the direction of the railway bridge, nor would it make it difficult for drivers to distinguish between the traffic lights and the proposed display.
10. As the proposed display would be offset from the pedestrian crossing of Dowding Way at the junction with Lamberts Road, it would not be likely to distract pedestrians as they use the crossing.
11. The proposed display would be more noticeable than the existing non-illuminated billboard displays, particularly at night. However, I have no reason to disagree with the Council's description of the site as being well-lit by street lighting. The luminance levels of the proposed display would be controlled by condition, thus limiting its apparent brightness to drivers and other road users.
12. Subject to conditions controlling the operation of the advertisements and the level of illumination to the accord with the recommendations of the Institute of Lighting Professionals in its Professional Lighting Guide 05: The Brightness of Illuminated Advertisements Brightness of Illuminated Advertisements, I am satisfied that the proposed display would not have a harmful effect on public safety. In reaching this conclusion, I have taken account of Policy EN1 of the

Tunbridge Wells Borough Local Plan (Adopted March 2006), which seeks to avoid unacceptable safety impacts. Whilst this policy does not specifically refer to advertisements, it is nonetheless material to the main issue.

13. I have also had regard to Paragraph 111 of the National Planning Policy Framework 2021, which states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

### **Other Matters**

14. The main parties agree that the proposed display would not harm amenity. The proposed display would be seen within a wider area that is predominantly commercial in character and where large billboard signs are established. Seen in this context, I find that the proposed display would not cause harm to the amenity of the area.

### **Conditions**

15. As set out above, I have imposed conditions to control the operation of the display of the advertisements and levels of illumination. The main parties were given the opportunity to comment and had no objection to these conditions.

### **Conclusion**

16. For the reasons given, the appeal is allowed and express consent granted, subject to the conditions set out above.

*G Sylvester*

INSPECTOR