



Appeal Decision

Site visit made on 13 February 2025

by **O S Woodward MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 March 2025

Appeal Ref: APP/B5480/H/24/3357227

172 Hornchurch Road, Hornchurch, RM11 1QL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against conditions imposed when granting 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 A0062.24 was approved on 23 October 2024 and express consent was granted for the display of an advertisement subject to conditions.
 - The advertisement permitted is Conversion of 48-sheet hoarding to a digital display.
 - The condition in dispute is No 2 which states that: The maximum luminance of the advertisement hereby permitted shall not exceed 300 cd/m².
 - The reasons given for the condition is: To comply with the recommendations of the Institute of Public Lighting Engineers Technical Report No. 5 (Third Edition) in the interests of amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC65.
-

Decision

1. The appeal is allowed, and advertisement consent Ref A0062.24 for conversion of 48-sheet hoarding to a digital display at 172 Hornchurch Road, Hornchurch, RM11 1QL granted on 23 October 2024 by the Council of the London Borough of Havering is varied by deleting condition 2 and substituting it for the following condition:

A) In the hours of darkness, the advertisement display luminance shall be no greater than 300 cd/m² in accordance with the recommended maximum night time luminance value set out for Zone E4 in Table 4 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) "The Brightness of Illuminated Advertisements" (the ILP Guide) (or its equivalent in a replacement Guide).

B) In daylight hours, the advertisement display luminance shall be controlled in order to reflect ambient light conditions (to ensure it is neither too bright or too dull), and shall at all times be no greater than the recommended maximum daytime luminance value of 5,000 cd/m² as set out under Note 1 to Table 4 within the ILP Guide (or its equivalent in a replacement Guide).

Preliminary Matter

2. It is proposed to change condition 2 so that the maximum luminance of the advertisement would change from a maximum of 300 cd/m² at all times to the same maximum from dusk to dawn but up to 5,000 cd/m² at all other times, dependent on time of day/year and ambient conditions. The proposed advertisement would remain as being internally illuminated with static images.

Main Issue

3. As set out at Regulation 3(1) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the 2007 Regs) and Paragraph 141 of the National Planning Policy Framework (the Framework), the main issues are the effect of the proposed change to the condition with regard to amenity and public safety.

Reasons

4. Regulation 3(2)(a) of the 2007 Regs states that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.
5. It is common ground, and I agree, that luminance up to 300 cd/m² would be suitable during hours of darkness. However, during the daytime the luminance must be greater to be effective at lighting the advertisement. The appeal site is within an Urban Area, Zone E4, as defined by the ILP Guide. More specifically, there are some residential dwellings, and flats to upper levels. However, these are all located within or nearby to a row of shops and other commercial uses along a relatively busy road. There are a variety of existing advertisements at fascia level, some of which are illuminated. There are no important historic, cultural or architectural features that would be affected by illumination of the advertisement.
6. The appellant has proposed that the luminance during daylight hours be controlled by sensors to respond to local environmental conditions. This reflects guidance in the ILP Guide and could be secured by suitable wording to the condition. It would also ensure that the illumination would not be unacceptably bright or intrusive. Subject to such controls, and considering the existing context to the appeal site as set out above, the effect of the proposed change to the condition with regard to amenity would be acceptable.
7. Regulation 3(b) of the 2007 Regs states that factors relevant to public safety include the safety of persons using any highway, whether the display of the advertisement in question is likely to obscure or hinder the ready interpretation of traffic signs, and whether the display of the advertisement in question is likely to hinder the operation of any security, speeding or surveillance devices. The advertisement is located on the first floor level of a building, set back from the highway, and it is not close to, nor in the eye line from a driver from, traffic signs, or security, speeding or surveillance devices.
8. Therefore, subject to control of the luminance to respond to the ambient light, ie so that it would not be excessively bright, it would not cause excessive glare or distraction to road users. Hornchurch Road, whilst relatively busy, is also relatively wide. The advertisement is seen in the context of other existing fascia signs and advertisements along the road. In this context, the proposed greater illumination would not materially harm highway or public safety.

Conclusion

9. For the reasons above, the appeal is allowed.

O S Woodward
INSPECTOR