



Appeal Decision

Site visit made on 2 April 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd May 2025

Appeal Ref: APP/G5180/Z/24/3352725

202 Bromley Road, Beckenham, Bromley BR3 6PG

- 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 Wildstone Estates Limited against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/24/02223/ADV.
 - The advertisement proposed is described as erection of a D6 small format advertising display.
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Decision

1. The appeal is allowed and express consent is granted for the display of the erection of a D6 small format advertising display as applied for. The consent is for 5 years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out in the schedule below.

Preliminary Matter

2. The Council's reason for refusal relates specifically to matters of amenity. There was no objection raised on the grounds of public safety and I find no reason to take a different view on that matter.

Main Issue

3. The main issue is the effect of the proposed advertisement on the amenity of the area.

Reasons

4. The appeal site is at the eastern edge of the grounds of an existing petrol filling station (PFS) to the south of Bromley Road. There are existing structures and street furniture within the PFS close to the site, including electric vehicle charging points, bins and delivery drop off / collection lockers. There is also a bus shelter in front of the PFS. The site shares boundaries with the public footway and the residential property of 204 Bromley Road, the latter defined by two timber fences back-to-back. Notwithstanding the adjacent PFS, the site is within a predominantly residential area with a mixture of detached dwellings set in spacious plots and blocks of flats.
5. The proposed digital six sheet advertisement display would be 2.4m in height by 1.23m in width. It would be capable of displaying six advertisement campaigns at a time, sequencing every ten seconds. The proposal would display advertisements

which relate to the goods and services sold at the PFS with the illuminated display solely on the elevation facing towards the PFS.

6. Whilst I agree with the Council that the surrounding area is largely residential, the proposal would be read in the context of the existing commercial use at the PFS. The positioning of the advertisement would be immediately adjacent to the vehicular access into the PFS such that users of the PFS would associate its presence with the wider commercial use. The functional link would be further reinforced by the display of goods and services associated with the PFS. I therefore disagree that the proposed advertisement would be unrelated to the PFS or out of character with the surrounding area.
7. The Council have raised specific concerns in relation to the impacts to the occupiers of 204 Bromley Road. I observed on my site visit that the fence along the boundary has been lowered in comparison to the images included within the appellant's statement. Given the height of the existing boundary treatment, the structure of the advertisement would be visible from the neighbouring property.
8. Notwithstanding the above, the advertisement display and its associated illumination would face away from no 204, towards the PFS, which would assist in reducing its overall prominence. The positioning of the proposal would be towards the footway adjacent to the driveway of no 204. There would be sufficient separation distance between the proposal and the dwelling to ensure that it would not be unduly prominent, or harmful to the amenities of the occupiers of no 204.
9. Whilst the advertisement would be a visible feature in the street scene, I do not consider that this visibility would amount to an overly bulky or obtrusive impact. The size and scale of the display would be similar to other structures within the PFS site, and the nearby bus shelter. Given the different functioning of these structures, I do not consider that there would be cumulative harm to the amenity of the area.
10. I therefore conclude that the proposal would have an acceptable effect on the amenity of the area. I have taken into account Policies 37 and 102 of the Bromley Local Plan (BLP). These require, amongst other things, for proposals to positively contribute to the street scene, and in respect to advertisements to have regard to the character of the surrounding area. They are therefore material in this case, along with Section 12 of the National Planning Policy Framework (the Framework). Given that I have concluded that the proposal would not harm amenity, it does not conflict with these policies.

Other Matters

11. An interested party has objected to the proposal on the basis of light pollution and its associated impacts to people's home lives and wildlife. I note that the Council have not raised concerns in relation to light spillage and that the level of illumination can be controlled by condition. I have little evidence before me to suggest that the luminance associated with the advertisement would have a detrimental impact to wildlife. I am also satisfied that the grant of advertisement consent would not unacceptably interfere with the neighbours right to a private and family life and home. In the context of Article 8 as set out in the Human Rights Act 1998, it is proportionate in the circumstances to allow the appeal.

12. It is suggested within the correspondence that the exposure to advertisements in society should not be further increased, and that the proposal should be refused unless it enhances life for residents. Section 12 of the Framework is clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Notwithstanding cumulative impacts, which have been discussed above, the perceived over saturation of advertisements in society, and the need for the proposal to enhance the life of residents are beyond the remit of the appeal scheme before me.

Conditions

13. Whilst the Council is satisfied that no other conditions beyond the five standard conditions are required, the appellant has suggested additional conditions and I have considered these.
14. The advertisement should be prevented from displaying moving or animated images so as not to create an undue distraction to road users in the interests of amenity and public safety (1). For the same reason, a condition should be imposed to prevent imagery resembling official road traffic signs (2). Levels of luminance (3 and 4) and frequency of movement (5 and 6) should be controlled, also in the interests of both amenity and public safety. A condition securing compliance with the plans as suggested by the appellant is not necessary because the decision grants express consent rather than planning permission. The imposition of this condition is ordinarily to facilitate applications under Section 73 for minor material amendments which would not be relevant to an express consent.

Conclusion

15. For the reasons given above, I conclude that the display of the proposed advertisement would not be detrimental to the interests of amenity in line with Section 12 of the Framework, having regard to the policies in the BLP as a material consideration. The appeal should therefore be allowed, and express consent granted, subject to the five standard conditions set out in the Regulations and the additional conditions set out in the schedule below.

L Gardner

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) There shall be no moving images, animation, video or full motion images displayed unless otherwise permitted by this consent.
- 2) No images displayed shall resemble official road traffic signs, traffic lights or traffic matrix signs.
- 3) In the hours of darkness, the advertisement display luminance shall be no greater than 300cd/m² in accordance with the recommended maximum night time luminance value set out for Environmental Zone 4 in Table 10.4 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m².
- 4) 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 values set out in Table 10.5 within the Institution of Lighting Professionals – Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m².
- 5) The minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features which would result in interactive messages or advertisements being displayed.
- 6) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect. The display shall include a mechanism to default to a blank or black screen in the event of malfunction, or if the advertisement is not in use.

END OF SCHEDULE