



Appeal Decision

Site visit made on 23 April 2025

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 May 2025

Appeal Ref: APP/L5240/Z/25/3359824

Shell UK Limited, 14-16 Godstone Road, Purley CR8 2DB

- 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 Croydon.
 - The application Ref is 24/03553/ADV.
 - The advertisement proposed is a 1 No. D6 (digital advertisement) double sided screen.
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Decision

1. The appeal is allowed and express consent is granted for the display of 1 No. D6 (digital advertisement) double sided screen at Shell UK Limited, 14-16 Godstone Road, Purley CR8 2DB in accordance with the terms of the application, Ref 24/03553/ADV, dated 11 October 2024. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the following additional conditions:
 - 1) The advertisement hereby permitted shall not be carried out other than in complete accordance with the approved plans: 23715/PA/01; 23715/PA/02; 23755/PA/03; 23715/PA/04; 23715/PA/05 and 23715/PA/06.
 - 2) In hours of darkness (dawn till dusk), the advertisement display luminance shall at all times be no greater than the recommended maximum nighttime luminance values set out 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. The environmental zone to which the maximum nighttime luminance value shall be applicable shall be agreed in writing by the local planning authority prior to the operation of the advertisement hereby approved and shall not exceed the approved value.
 - 3) 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.

- 4) Advertisements to change no more frequently than once every 10 seconds and changes between adverts to take place instantly with no fading, swiping or merging images.
- 5) There shall be no moving images, animation, video or full motion images displayed unless otherwise permitted by this consent.
- 6) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect. The display to include a mechanism to default to a blank or black screen in the event of malfunction, or if the advertisement is not in use.
- 7) No images displayed shall resemble official road traffic signs, traffic lights or traffic matrix signals.

Procedural Matter

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that applications for the display of advertisements are considered in terms of amenity and public safety. Although the Council has referred to Policies SP4, DM10 and DM12 of the Croydon Local Plan (CLP) and Policy D4 of the London Plan (LP), which it considers relevant to this appeal, these policies cannot, by themselves, be decisive but they are a material consideration in the determination of this appeal.

Main Issue

3. It is considered that the main issue is the effect of the proposed advertisement on visual amenity.

Reasons

4. The proposed advertisement is a freestanding LED digital display which would be erected within the frontage of a petrol filling station located at the junction of Godstone Road and Foxley Hill Road. Godstone Road forms part of the strategic road network and during the morning site visit there was a high level of traffic flowing along the road. The character of the surrounding area is mixed with primarily commercial uses at ground floor level fronting the south side of Godstone Road with an embankment on the opposite side of the road on top of which is an industrial estate. Away from the junction, residential properties front Foxley Hill Road.
5. The site of the proposed advertisement is currently occupied by a freestanding, non-illuminated double sided poster board style advertisement. Unlike the appeal scheme, this advertisement is not fixed to the ground. Within the forecourt there is a wide variety of other types of advertisements including a totem displaying the fuel prices, no entry signs, EV charging and fascia sign for the shop. Some of the signs are illuminated and there is lighting within the canopy which covers the fuel pumps. Along Godstone Road there is streetlighting and traffic signs. Adjacent to the railway bridge is a billboard with a LED digital display.
6. Although replacing a freestanding poster board style sign, the proposed advertisement would be different by reason of being a larger sign and illuminated digital display. Accordingly, the appeal scheme would be more prominent within

the streetscene along Godstone Road than the current sign. However, the proposed advertisement would be seen against the context of the petrol filling station when travelling along Godstone Road and also approaching the junction along Foxley Hill Road. It would not appear a visually prominent addition to either streetscene.

7. The proposed advertisement would not add significantly to the number of existing advertisements associated with the petrol filling station so as to amount to unnecessary visual clutter which would cause unacceptable harm to the character and amenity of the immediate area, including the residential character of Foxley Hill Road. The height of the proposed advertisement above ground level does not alter the assessment given the character and appearance of the petrol filling station and its siting adjacent to an illuminated totem sign.
8. For the reasons given, it is concluded that the proposed advertisement would not cause unacceptable harm to visual amenity and it would also not conflict with CLP Policies SP4 and DM10 which, amongst other matters, require development to be of a high quality of design and which respects and enhances the character of the surrounding area. Further, there would not be a conflict with CLP Policy DM12 which refers to advertising hoardings contributing to the character and appearance of the existing streetscene. LP Policy D4 provides requirements for built forms of development rather than the type of advertisement proposed.

Conditions

9. Other than the five standard conditions, the council has not suggested any further conditions which should be imposed if this appeal is successful. However, in accordance with what is described as industry standard conditions, the appellant has suggested further conditions which would control the brightness and content of the digital display. By reason of the siting of the proposed advertisement adjacent to a busy road, these conditions are considered necessary to maintain public safety. A condition to reference the approved drawings is also necessary for the avoidance of doubt.
10. For the reasons given, it is concluded that the appeal should be allowed.

D J Barnes

INSPECTOR