



Appeal Decision

Site visit made on 29 April 2025

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 28 May 2025

Appeal Ref: APP/C5690/H/24/3355769

Advertising Right Side Of 345 Sydenham Road, Lewisham, London SE26 5SL

- 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 Lewisham.
 - The application Ref DC/24/137023 was approved on 26 September 2024 and express consent was granted for the display of an advertisement subject to conditions.
 - The advertisement permitted is the upgrade of existing 48 sheet advert to support digital poster.
 - The condition in dispute is No 3 which states that: The maximum luminance shall not exceed 300cdm² between dusk and dawn and 600cdm² at other times and shall fully comply with the recommendations contained in the Institution of Lighting Professionals Technical Report No. 5.
 - The reason given for the condition is: In the interests of visual amenity and highway safety.
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Decision

1. The appeal is dismissed.

Background and Preliminary Matters

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the National Planning Policy Framework and the National Planning Practice Guidance confirm that advertisements should be subject to control only in the interests of amenity and public safety. I have taken into account the provisions of the development plan, in so far as they are material, and any other relevant factors.
3. The parties agree that illuminance is not a matter of concern in relation to highway safety. Accordingly, there is no evidence before me to suggest that public safety is a relevant issue in this appeal, and I have determined the appeal on that basis.
4. The poster panel benefitted from deemed consent under Class 13 of Schedule 3, Part 1 of the Advertisement Regulations, as it was in place for over ten years. This panel has received consent to be replaced with a digital poster.

Main Issue

5. Whether the condition is necessary having regard to the amenity of the area, with particular regard to the living conditions of neighbouring occupiers.

Reasons

6. The proposal concerns a three-storey mixed-use property located on the corner of Sydenham and Kirtley Road. The surrounding area is a mix of residential and

commercial uses, featuring a variety of housing and storefronts. The nearest windows of neighbouring properties are located approximately 14 metres from the appeal site. These flank windows, located on the first, second and third floor floors, directly face the appeal site. The proposed variation presents a risk that the occupiers of these dwellings could be further affected by light pollution from the appeal site.

7. While the appellant agrees that a condition controlling daylight illumination is necessary, it contends that the current limit of 600 cd/m² was applied in error. To ensure sufficient visibility in ambient daylight, they consider that this limit should be increased. They have referred to the *Institute of Lighting Professionals' The Brightness of Illuminated Advertisements Including Digital Displays: Professional Lighting Guide 05/23* (BIADD). Table 10.4 of the BIADD outlines recommended maximum night-time luminance values for illuminated displays. Similarly, Table 10.5 of the guide recommends maximum daytime luminance values of up to 5,000 cd/m². Acknowledging the Council's concerns, the appellant proposes a reduced limit of 3,500 cd/m², which represents an approximately 30% reduction from the maximum level.
8. Significantly, based on the extent of the evidence before me, the notes associated with this section on advertisement luminance state that the values indicated are recommended maxima, and in practice these may be required to be lower, depending on the proximity of adjacent/opposite premises with a view of the display. The reason is that for premises within fairly close proximity of the display (i.e. across the road), the vertical illuminance may exceed the advised limits. Accordingly, a methodology for assessing the impact on display luminance on vertical surfaces is set out in Appendix 2 of the BIADD. This provides a formula for determining appropriate levels of illuminance at a point facing a sign, taking into account site specific variables.
9. I acknowledge that the digital poster will incorporate an inbuilt sensor, enabling the maximum luminance of the sign to adjust in response to ambient daylight levels and varying weather conditions. I have also considered the example sites referred to by the appellant, which demonstrate the operation of similar signage at different times of the day. Nonetheless, although the appellant recommends limiting the operation of the display to 3,500 cd/m², the specific methodology used to arrive at this figure remains unclear.
10. Although this luminance level is described as the lowest viable setting, there is no evidence that a site-specific assessment has been undertaken in relation to its potential effect on amenity. The absence of a site-specific application of the BIADD formula, despite the availability of a clear methodology in Appendix 2, undermines the appellant's case that a luminance of 3,500 cd/m² would not cause harm to amenity. While I acknowledge the appellant's evidence regarding daytime visibility, as illustrated in Appendices 2 and 3 of their statement, it has not been adequately demonstrated that luminance at the proposed levels would avoid adverse impacts on the living conditions of nearby residents. In the absence of such an assessment, and given the potential impact on nearby sensitive receptors, I cannot be satisfied that Condition 3 no longer fulfils a necessary planning function.
11. In reaching this view, I have considered that similarly sized advertising displays can be found in the immediate area. For instance, a 48-sheet advertisement was permitted at appeal for 319 Sydenham Road, located in a more prominent position

than the current appeal site (ref. APP/C5690/Z/18/3216904). However, the evidence before me does not confirm whether a sensitive receptor was located in a comparable position at that site, nor whether the luminance of the approved display was assessed or adjusted using the BIADD formula. Accordingly, I am unable to conclude that this earlier decision provides a meaningful precedent in support of the proposed development.

12. Overall, having considered all other matters raised, I consider that the condition is necessary to protect the amenity of the area, having particular regard to acceptable living conditions for neighbouring residents. Accordingly, I find that the proposal would be contrary to the development plan read as a whole and there are no material considerations to outweigh the conflict.

Conclusion

13. For the reasons given above the appeal should be dismissed.

S Lo

INSPECTOR