



Appeal Decision

Site visit made on 2 April 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 May 2025

Appeal Ref: APP/G5180/Z/24/3355417

Land adjacent to Links Way, Beckenham, Bromley BR3 3DG

- 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/24/02429/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 at Land adjacent to Links Way, Beckenham, Bromley BR3 3DG in accordance with the terms of the application, Ref DC/24/02429/ADV dated 18 June 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 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 advertisement proposed would be at the edge of the grounds of an existing petrol filling station (PFS) which sits at the junction of Links Way and Upper Elmers End Road. There are existing structures and street furniture within the PFS close to the site, including electric vehicle (EV) charging points, bins and delivery drop off / collection lockers. The site shares boundaries with the public footway and the residential property of 7 Links Way, the latter defined by a low brick wall with timber fence atop. The site sits within a mixed use area comprised of both commercial and residential uses. Other than the PFS, the commercial uses are primarily on the opposite side of the highway.
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, changing every ten seconds. The illuminated display would be solely on the elevation facing towards the PFS.

6. The site sits at a transitional point between a commercial and residential use. Whilst the area behind the proposed advertisement is largely residential, the advertisement itself would face towards the PFS in the direction of other commercial uses in the wider area. It would therefore be read in the context of the existing structures and advertisements both within the PFS site and the wider area. The appellant has confirmed that the display would include goods and services related to the PFS within its rotation. Whilst this functional link would further associate the advertisement with the existing commercial use, given the commercial nature of the wider appeal site, I do not consider that this is necessary to make the appeal proposal acceptable. I therefore disagree that the proposal would be out of character with the surrounding area.
7. The Council have raised specific concerns in relation to the effect on the occupiers of 7 Links Way. The existing low boundary wall and fence would not screen the proposal from this neighbour. However, the advertisement display would be on the opposite side of the structure which would reduce its overall prominence. The positioning of the proposal would be towards the footway adjacent to the driveway of No 7. 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 visual amenities of the occupiers of No 7.
8. 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 effect. The size and scale of the display would not be dissimilar to other structures within the PFS site, including those close to the appeal site such as the EV charging points. Given the different functioning of these structures, I do not consider that there would be cumulative harm to the amenity of the area.
9. I therefore conclude that the proposal would not have a harmful 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.

Other Matters

10. A neighbouring party has objected to the proposal on the basis of noise and light pollution, specifically stating that additional illumination from the proposed advertising display would negatively impact their quality of life. 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. Given the adjacent road and associated traffic noise, I have very little evidence to demonstrate that the advertisement display would emit additional noise pollution which would be harmful to the living conditions of neighbouring residents. I am 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.

Conditions

11. 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.
12. 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. A condition should be imposed to prevent imagery resembling official road traffic signs in the interests of amenity and highway safety. Levels of luminance and frequency of movement should be controlled, 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 for minor material amendments which would not be relevant to an express consent.

Conclusion

13. For the reasons given above, I conclude that the display of the proposed advertisement would not be detrimental to amenity or public safety in line with Section 12 of the Framework and having regard to the policies in the BLP as material considerations. The appeal is therefore 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 CONDITIONS