
Appeal Decision

Site visit made on 4 March 2025 by T Morris BA (Hons) MSc

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd June 2025

Appeal Ref: APP/K0235/Z/24/3357769

Advertising Right Opposite Wickes, Goldington Road, Bedford MK41 0UE

- 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 Mr Guy Goodyear (Emerald Outdoor Ltd) against the decision of Bedford Borough Council.
- The application Ref is 24/01703/ADV.
- The advertisement proposed is conversion of existing 48 sheet billboard to digital 48 sheet billboard.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (Regulations) set out that powers under those Regulations shall be exercised only in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.
4. The Council have not identified any concerns in respect of public safety. Based on the evidence before me, I have no reason to form a different view. Having regard to the Regulations, the main issue therefore relates to amenity.
5. Planning Practice Guidance (PPG) advises that amenity is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement. The Council's decision notice specifically refers to the effect of the proposed advertisement on a residential property at 528 Goldington Road, which is known as 'Melford Lodge'. My recommendation is therefore focussed on how residents of Melford Lodge would experience the advertisement in visual amenity terms.

Main Issue

6. The main issue is the effect of the proposed advertisement on amenity, with particular regard to residents of Melford Lodge.

Reasons for the Recommendation

7. The appeal site is located on Goldington Road within a mixed-use area. It comprises the existing advertisement which is sited broadly parallel to the road and is positioned in front of a backdrop of trees, with the rear elevation of the Wickes Bedford building further beyond. Melford Lodge is on the opposite side of Goldington Road. It contains an elevation with windows which face the road. A third-party response states that the advertisement would directly aim into nine of the bedroom windows at the property, as well as the front porch, kitchens and bathrooms. Although on my site visit there did not appear to be nine windows on the side of the building which faces Goldington Road, I have no evidence to contradict the third-party comments that the proposed advertisement would face into bedroom windows at Melford Lodge.
8. Whilst the proposed advertisement would have the same proportions and orientation as the existing advertisement at the appeal site, given its conversion to a digital display, together with its illumination, changing imagery and angled position towards Melford Lodge, it would appear as a conspicuous and unpleasant feature when experienced by residents of the building. This would particularly be the case during the hours of darkness, where the digital display would contrast against the darker backdrop of trees, and this would exacerbate its brightness. Consequently, the proposal would result in an intrusive form of light glare when experienced from the facing windows at Melford Lodge opposite. This would have an unacceptable effect on visual amenity from the perspective of residents living at the property, particularly those whose bedroom windows would face towards the proposed advertisement.
9. I have also considered the evidence in the Institute of Lighting Professionals Professional Lighting Guide 05 (PLG) and the Outsmart Large Format Digital Roadside Planning Code (LFDRPC). These refer to a maximum limit of 300cdm for illuminated areas in excess of 10m², in urban and suburban locations. However, the PLG also states that luminance will vary with the direction of viewing, being a maximum for direct frontal observation. Furthermore, it refers to other factors influencing the brightness experienced by an observer, including the size of the advertisement, as well as contrast. In that regard, whilst the 300cdm accords with some of the guidance in the PLG and the LFDRPC, due to the site-specific circumstances where residents of Melford Lodge would observe the proposed advertisement from the front and against a dark backdrop, the 300cdm illuminance limit would not be sufficient to overcome the harm of the proposal.
10. Furthermore, whilst the Soft Lights Foundation document refers to the higher lighting levels of car headlights and streetlamps, given that these sources of light would not be directly facing Melford Lodge, they would have a less harmful effect on the visual amenity of residents of the property. Therefore, the presence of streetlamps on Goldington Road, as well as the headlights of vehicles passing the site does not justify the harm of the proposal.
11. In summary, the proposed advertisement would have a harmful effect on amenity, with particular regard to occupiers of Melford Lodge. It would therefore conflict with the Regulations. Furthermore, whilst not determinative, it would also conflict with Policy 34 of the Bedford Borough Council Local Plan 2030 (2020), which states that advertisements should have a positive impact on their surroundings. It would also

be contrary to the National Planning Policy Framework, which states that the quality of places can suffer when advertisements are poorly sited and designed.

Other Matters

12. The use of conditions to limit the maximum brightness levels, as well as the restriction of the display to static images and the frequency of image changes, would not be sufficient to offset the harm to amenity which would be experienced by residents at Melford Lodge as a result of the proposed advertisement.
13. In addition, whilst I acknowledge that the proposal would remove the need for regular visits to the site, would have no highways safety or health and safety implications, and that it could be used to display emergency messages, these matters do not justify or outweigh the harm of the proposal to amenity identified under the main issue.

Conclusion and Recommendation

14. For the reasons given above, the proposed advertisement would conflict with the Regulations. I therefore recommend that the appeal should be dismissed.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

A M Nilsson

INSPECTOR