



Appeal Decision

Site visit made on 3 June 2025

by **P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 July 2025

Appeal Ref: APP/D1835/Z/25/3361008

20 Bath Road, Worcester WR5 3EL

- 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 Worcester City Council.
 - The application Ref is 24/00893/ADV.
 - The advertisement proposed is erection of a D6 small format advertisement display.
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Decision

1. The appeal is allowed, and express consent is granted for erection of a D6 small format advertisement display as applied for. 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 display shall not change more frequently than every 10 seconds and the interval between advertisements shall be instantaneous.
 - 2) The advertisement display shall only display static images and shall not display any moving images, or apparently moving images; message sequencing; interactive messages; directional signage or images resembling traffic signs.
 - 3) There shall be no special effects (including animation, flashing, scrolling, three dimensional, intermittent, or video elements) of any kind during the time that any message is displayed.
 - 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 within that recommended by the Institute of Lighting Professionals (for a sign within Environmental Zone 4 Urban) in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide). In the hours of darkness, the advertisement display luminance shall be no greater than 300cd/sqm.
 - 5) In the event of malfunction, the digital advertisement screen shall automatically power off.

Preliminary Matter

2. The Council has drawn my attention to policies it considers to be relevant to this appeal. I have taken these into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in

the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG) confirm this approach. Therefore, while I have taken account of the policies that the Council considers to be relevant, these have not been decisive in my determination of this appeal. I have also had regard to the Framework which seeks to prevent the negative impacts of poor advertisements.

Main Issues

3. The main issues are:

- The effect of the proposed advertisement on amenity, and
- The effect of the proposed advertisement on public safety.

Reasons

Amenity

4. The appeal site relates to a petrol filling station and associated retail unit located within a primarily residential area on the edge of Worcester City Centre. The petrol filling station includes internally illuminated advertisements. The appeal site is also located adjacent to both the Worcester and Birmingham Canal Conservation Area and the Sidbury and Fort Royal Conservation Area. Several listed buildings are also within close proximity, the nearest of which are located opposite the site at 19-23 Bath Road and King Charles Court, located at the junction of Commandery Road and Bath Road. These heritage assets inform the character and appearance of the area within this mixed use, partly commercial area.
5. The proposed single-sided freestanding digital poster would be located at the entrance to the site. The existing retail unit on the appeal site, limits the view of the proposed digital poster from the residential blocks, on the opposite side of the canal. As such, the digital advertisement would only be clearly visible to a small number of residential occupiers adjacent to the site on Bath Road over a reasonable separation distance. Moreover, the advertisement would be illuminated in accordance with the industry guidelines¹ with the intensity of illumination not exceeding 300 candela/m² at night. As such, the digital poster would not significantly affect the amenity of neighbouring residential properties. Furthermore, to mitigate any light impact, conditions could be imposed to control the level of illumination.
6. The proposed display would only be visible when travelling out of Worcester on Bath Road towards Tewkesbury with longer views mostly obscured due to the existing totem sign and the curvature of the road. Also, from such views, the advertisement would be framed by the existing engineering building and the petrol filling station forecourt, pumps, totem, and canopy, limiting its overall visual effect. Moreover, given this commercial context and the size and position of the proposed display, I do not consider that any significant harm would arise from its brightness and illuminance.
7. Accordingly, the scale and siting of the freestanding poster would not be out of keeping with its surroundings. As such, the digital poster would have a neutral

¹ Institute of Lighting Professionals: The Brightness of Illuminated Advertisements – PLG05

impact on the character of the appeal site and its surroundings, resulting in no significant harm to the amenity of the area.

8. Although the statutory duty, in relation to the setting of listed buildings does not apply in relation to advertisements, they are located within the vicinity of the appeal site and inform its amenity. The dwellings located at King Charles Court front Bath Road with their rear to Commandery Road. The proposed digital sign would only be directly visible, and at a distance, from the side facing windows of the end property. 19-23 Bath Road are located opposite the petrol filling station and after the bend in the road. The proposed advertisement would be visible from these dwellings. Whilst the listed dwellings have a visual relationship with the appeal site and form part of the wider street scape amenity, the proposed digital poster would not be harmful to the amenity of the area that they contribute to.
9. Furthermore, whilst concerns have been raised regarding the number of advertisements on the appeal site, I have found that the proposed digital poster would not result in a material increase in visual clutter or commercial presence from that currently located on the appeal site.
10. The digital poster would be sited in front of an existing, obscurely glazed, ground floor window of the adjacent engineering works. Two other windows have also been partially blocked by structures within the petrol filling station forecourt. Both are sited in front of the ground floor windows but not up against them. I observed on my site visit, that this separation distance, whilst small, still allowed light into the windows in question and allowed for maintenance of the windows and wall. This separation distance would also apply to the proposed digital poster. As the digital sign would face away from the adjacent works, the display element would not be visible from the ground floor windows. For the above reasons, the proposed digital display would not affect the amenity and outlook of the neighbouring commercial building.
11. Consequently, the proposal would not significantly harm the amenity of the area. I have taken into account Policy SWDP21 of the South Worcestershire Development Plan 2016, with respect to matters of amenity. This requires, amongst other things, for proposals to contribute, integrate and reinforce local distinctiveness, conserve heritage assets and their settings and support outdoor advertisements where they will not adversely affect the amenities of the area. As such, these are material in this case, along with paragraph 141 of the Framework which seeks advertisements to be well designed and sited. Given that I have concluded that the proposal would not significantly harm amenity, it does not conflict with these policies.

Public Safety

12. The appeal site is located on the A38 Bath Road, a classified 'A' road which links Worcester to Tewkesbury. It is a two-way single carriageway road and is subject to a 30mph speed limit. Street lighting is present and there are footways on both sides of the road. Three access and egress points are provided for the petrol filling station.
13. The digital sign, designed to display static poster images, capable of changing every 10 seconds and with instantaneous change between them would be illuminated in accordance with the industry guidelines. To ensure that the digital

poster does not impact on public safety in the future, conditions controlling the level of illumination and frequency of image change could be imposed.

14. During my site visit, I observed that when turning right into and out of the petrol filling station, good observation of oncoming traffic was available from Bath Road. The proposed digital poster would be located immediately adjacent to the southern access but would be offset from the edge of the carriageway by approximately 4 metres. The internal layout of the petrol station, and the alignment of the petrol pumps, is such that the southern access is primarily used by vehicles accessing the site from the south and turning left into the site. The proposed display would not be visible to vehicles travelling northbound along Bath Road, and therefore would not be visible to drivers making this manoeuvre.
15. The Highway Authority asserts that the proposal would create a distraction to drivers. Any potential distraction would most likely occur where vehicles are entering and leaving the site at the southern access. For vehicles travelling in this manner, the proposed display would be visible. However, when exiting the site at the southern point, due to its set back from the carriageway, motorists would pass the display before reaching the visibility splay for the access point. As such, the display would not be within a motorist's line of vision at the point of exiting the site. When entering the site from the north at the southern access, the display, whilst visible, would be observed from a partially oblique angle limiting motorist distraction from the display. For vehicles exiting the site at the central and northern access points, the digital poster would primarily be obscured by the existing totem sign or the existing petrol station infrastructure.
16. Consequently, based on my observations, I am satisfied that the proposed digital sign would not harm public safety. I have taken into account Policy SWDP21 of the South Worcestershire Development Plan 2016, with respect to matters of public safety. This requires, amongst other things, for proposals to allow vehicular traffic to access the highway safely and support outdoor advertisements where they will not adversely impact on public safety. As such, these are material in this case, along with paragraph 141 of the Framework which seeks advertisements to be well designed and sited. Given that I have concluded that the proposal would not harm public safety, it does not conflict with these policies.

Conditions

17. The Council has not requested further conditions, beyond the 5 standard conditions. However, the Highway Authority originally requested conditions to control the display and luminance of the advertisement. The imposition of these conditions has been agreed by the appellant.
18. It is necessary to impose conditions that control the display. The level of illumination should be limited to prevent glare or dazzle for road users [4]. Furthermore, conditions that would manage the frequency of image change [1], to deactivate if the screen becomes corrupted [5] and to prevent moving images [2 and 3]. These are all required in the interests of highway safety.

Conclusion

19. For the reasons given above, the appeal should be allowed in the terms set out above.

P Brennan

INSPECTOR