

---

## Appeal Decision

Site visit made on 23 April 2025 by M Jones

### Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12<sup>th</sup> August 2025

---

### Appeal Ref: APP/D5120/Z/24/3353974

#### 246 - 258 Broadway, Bexleyheath, DA6 8AS

- 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 Bexley.
  - The application Ref is 24/01881/ADV.
  - The advertisement proposed is the erection of a D6 Small Format Advertisement Display.
- 

### Decision

1. The appeal is allowed and express consent is granted for the display of a D6 Small Format Advertisement Display at 246 - 258 Broadway, Bexleyheath, DA6 8AS in accordance with the terms of the application, Ref 24/01881/ADV and the plans submitted with it. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the 'Regulations') and the additional conditions set out in the following Schedule.

### 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 control of advertisements is exercisable only with respect to public safety and amenity. Regulation 3 of the Regulations states that powers in this regard shall be exercised taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.
4. In this case, neither the Council nor any other party has raised any objection to the proposal in relation to amenity. From the evidence before me, and my observations on site, I see no reason to disagree.

### Main Issue

5. Therefore, the main issue is the effect of the proposed advertisement on public safety.

## Reasons for the Recommendation

6. The National Planning Policy Framework (Framework) sets out that the quality and character of places can suffer when advertisements are poorly sited and designed, and that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
7. The appeal site is the forecourt of a petrol station with an on-site convenience store situated on a commercial area along Broadway. The layout of Broadway here is relatively simple with a straight, low speed single carriageway with simple junctions with adjoining roads, including Lion Road opposite the site and West Street next to it. There is a zebra crossing with a central refuge on Broadway a short distance from the appeal site, another zebra crossing across Lion Road and a pelican crossing further up Broadway, however all have good forward visibility and are expected highway features in an urban area. There are no unusual highway complexities that would require drivers to take extra care. Consequently, I do not consider it to be a street environment with increased cognitive demand for drivers.
8. There are several existing, clearly visible advertisements and signs on Broadway including a large advertisement on the wall of the building adjoining the appeal site as well as numerous shop and pub signs. On the appeal site there is a totem sign at the entrance, various signs on the convenience store building and pumps plus several freestanding, moveable signs. There are also a number of freestanding small format advertisement displays on the footways in the area, including digital displays further up Broadway.
9. The proposal is for a single-sided freestanding D6 small format advertising display which would exhibit static advertisements on rotation every ten seconds using digital technology. The advertisement would sit within the petrol station forecourt set back from the highway in front of the convenience store and would be angled to face eastbound drivers approaching the site on Broadway.
10. The type of advertisement proposed is a familiar feature on this part of Broadway and along urban roads more generally. Therefore, drivers and pedestrians would be used to maintaining awareness of the highway environment whilst taking in the context of such advertisements. Consequently, the proposed advertisement would not be an incongruous or unusual addition to the highway environment in this location.
11. For drivers approaching eastbound on Broadway, the straight nature of the highway, speed restrictions and the proposed advertisement location means that it would not appear abruptly to drivers but instead would become gradually clearer in long views on the approach. As a result, drivers would have ample time to assimilate to the surrounding environment, including advertisement changeovers and to notice any pedestrians waiting to cross the zebra crossing across Broadway. It would also be seen together with various other signs in and around the appeal site, rather than as a stand-alone feature. Therefore, it would not appear as an unduly distracting feature for approaching drivers.
12. Drivers approaching the appeal site on the westbound carriageway of the Broadway would only be able to see the advertisement display clearly by looking over their right shoulder or in their mirror due to its orientation. The same applies for drivers approaching from this direction and entering the petrol station or exiting Broadway onto Lion Road or West Street. Drivers may notice the advertisement in

- their peripheral vision, but it is likely that this would be after they have slowed down and begun the manoeuvre. Consequently, it is unlikely that the advertisement would interfere with their judgement or be a distraction when manoeuvring.
13. Due to its siting, drivers exiting Lion Road to join Broadway would notice the advertisement. However, they are required to stop and give way at the zebra crossing if someone is waiting to cross, and again at the junction. The advert would be visible on the approach to the crossing and junction and, at a point close to the crossing, it would be visible in the sightline of drivers looking towards pedestrians entering the crossing from the east. However, at this point drivers would be slowing to approach the crossing and the junction. This would allow time to observe and navigate the uncomplicated one-way carriageway at the junction and notice any traffic or pedestrian movement. Furthermore, the proposal would be seen against the backdrop of the numerous signs on the convenience store, so would not significantly add to the information drivers would already be processing in these sightlines.
  14. Drivers travelling through the petrol station to and from the pumps would be moving slowly and looking out for other vehicle movements. Drivers exiting the petrol station would give way when leaving the forecourt, paying attention to any passing pedestrians, and again when joining Broadway. The advertisement would be tucked behind their left shoulder at that point and so would not conflict with driver sightlines and the required visibility splay out of this junction. Therefore, the proposal would be unlikely to interfere with the judgement of drivers within the site or be a distraction to them.
  15. The advertisement would be visible to pedestrians crossing the roads near the appeal site including the entry and exit to the petrol station. However, this type of display is not an unusual feature to see when walking in an urban area, indeed there are other examples of freestanding digital displays nearby on the Broadway. Therefore, it would not be an undue distraction to pedestrians. Moreover, in this case, the advertisement would be set back from the footway so would be less noticeable than others in the area. The proposal is therefore unlikely to distract pedestrians who are crossing any of these roads. Given that vehicles would be slowing to give way at these junctions, I do not consider that this would cause an undue risk of conflicts between drivers and pedestrians.
  16. Pedestrians using the pelican crossing further up Broadway would not have sight of the advertisement due to its orientation and so would not be distracted by it. The same applies for drivers approaching this crossing from either direction. Consequently, the proposal would not result in harmful distraction for those using that crossing.
  17. In all cases, the recommended conditions to control the nature and frequency of advertisement changes and its illumination would allow drivers and pedestrians to safely take in the advertisement content and would mitigate any risk that they may become unduly distracted by the proposed advertisement.
  18. The Council states that there have been three reported vehicular accidents in the last five years on Broadway between the junction of Lion Road and the exit of the petrol station (all described as slight incidents). However, very limited details have been provided of where and why these incidents occurred. The Council has not demonstrated that the road layout or junctions are particularly complex or

dangerous. Nor has it demonstrated that the proposal, including its orientation, would increase the risk of collision or driver distraction at any of the junctions nearby or along Broadway more generally, particularly given the number of other advertisements in the same vicinity.

19. For the above reasons, my own observations from my site visit, and subject to the conditions set out in the Schedule below, I consider that the proposal would not have an unacceptable impact on highway safety, and the residual cumulative impacts on the road network would not be severe. Consequently, the proposed advertisement would not be harmful to public safety.
20. I have had regard to Policy DP11 and DP24 of the Bexley Local Plan (adopted 2023), Policy D8 of the London Plan (2021) and the relevant paragraphs of the Framework which aim to ensure that new advertisements do not have an adverse effect on public safety, including when considering cumulative impacts. As I have concluded that there would be no harm to public safety, there would be no conflict with the relevant elements of these policies.

### **Conditions**

21. In addition to the five standard conditions set out in the Regulations, I have had regard to the conditions suggested by the main parties relating to the control of illumination, moving images and the frequency with which the displays change. I consider that these conditions are necessary in the interests of public safety to ensure that the advertisement would not draw undue attention or distract road users. Further, the control of illumination, particularly at night, is also necessary in the interests of visual amenity notwithstanding that this was not a main issue in this case.

### **Conclusion and Recommendation**

22. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to conditions.

*M Jones*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

23. I have considered all the submitted evidence and my representative's report and agree with the reasoning and recommendation. On that basis the appeal is allowed subject to the 5 standard conditions and the additional conditions in the following Schedule.

*L McKay*

INSPECTOR

### **Schedule of Conditions**

- 1) The advertisement shall display only two-dimensional static images, shall contain no moving images, animation, video or full motion images and no messaging shall spread across more than one screen image.
- 2) The advertisement display shall not change more frequently than every 10 seconds and the rate of change 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.
- 3) In hours of darkness, the advertisement display luminance shall be no greater than 300cd/m<sup>2</sup> in accordance with the recommended maximum nighttime 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/m<sup>2</sup>.
- 4) In daylight hours, the advertisement display luminance shall be controlled in order to reflect ambient light conditions, 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/m<sup>2</sup>.
- 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 / 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 a malfunction, or if the advertisement is not in use.
- 7) No images displayed shall resemble official road traffic signs, traffic lights or traffic matrix signs.