



Appeal Decision

Site visit made on 15 July 2025 by A Khan BSc (Hons) MA MSc MRTPI

Decision by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2025

Appeal Ref: APP/P5870/Z/25/3367482

701 London Road, Sutton SM3 9DL

- 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 Sutton.
- The application Ref is DM2025/00362.
- The advertisement proposed is described as 'replacement of 1 no. paper and paste display with 1 no. digital advertising display'.

Decision

1. The appeal is allowed and express consent is granted for the proposed replacement of 1 no. paper and paste display with 1 no. digital advertising display, at 701 London Road, Sutton SM3 9DL in accordance with the terms of the application Ref DM2025/00362. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 300 candela per square metre in the hours of darkness (from dusk until dawn). During daylight hours the luminance shall be controlled by sensors to reflect ambient light conditions. At all times the display shall operate in accordance with the recommendations set out by the Institute of Lighting Professionals for a sign within Environmental Zone 4 in Table 10.4 of the Professional Lighting Guide 05 (PLG 05/23) Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide).
 - 2) No individual advertisement shall be displayed for a duration of less than 10 seconds. The advertisement shall not include any features which would result in interactive messages/advertisements being displayed.
 - 3) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect. The display is to include a mechanism to default to a blank or black screen in the event of malfunction, or if the advertisement is not in use.
 - 4) There shall be no moving images, animation, video or full motion images displayed unless otherwise permitted by this consent and no special effects (including noise, smell, smoke, animation, exposed cold cathode tubing, flashing, scrolling, three dimensional, intermitted or video elements) of any kind as part of the display. No images displayed shall resemble official road signals, traffic lights or traffic matrix signs.

- 5) The footway and carriageway on the A24 London Road shall not be blocked during the replacement and installation of the advertisement hereby permitted. Temporary obstruction during the conversion shall be kept to a minimum and shall not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on the A24 London Road. All vehicles shall only park/stop at permitted locations and within the time periods permitted by existing on-street restrictions.

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 Matter

3. Concerns about amenity were raised by interested parties. However, the Council did not object to the appeal advertisement in this respect, and from the evidence before me, as well as my observations on site, I see no reason to disagree with the Council's assessment.

Main Issue

4. The main issue is the effect of the proposal on public safety.

Reasons for the Recommendation

5. The appeal site is prominently situated at the busy junction of London Road and Langley Avenue. On London Road, the site is in proximity to a zebra crossing and otherwise forms part of a mixed-use corridor, predominantly characterised by ground-floor commercial premises with residential accommodation above. The area benefits from strong public transport links and a range of local services, while the surrounding streets are predominantly residential. This urban context supports a diverse range of uses, including advertising, which is already well established at the appeal site.
6. London Road operates under a 30mph speed limit, is straight and well lit. The proposed digital display would incorporate several safety features, including static imagery with a minimum display interval of ten seconds, instant and silent transitions, and automatic brightness adjustment in response to ambient light. The size, although larger in scale than the existing, would be proportionate to the context of this mixed use area. These measures are consistent with other digital displays and are specifically designed to minimise distraction and visual intrusion. Consequently, the concerns regarding the size and location of the proposed advertisement would be appropriately mitigated. Illumination would adapt to the time of day and remain low at night time, and this can be secured by condition.
7. It is acknowledged that digital displays can attract more attention than traditional posters, and in some contexts may contribute to driver distraction. However, there is already a prevalence of signage in the area. Additionally, there is no suggestion, having regard to the collision data, that the existing advertisement has been a contributory factor to past incidents in the vicinity of the site. There is also no substantive evidence before me to demonstrate that the proposal would pose an increased risk to highway safety.

8. With regard to inclusivity and the needs of individuals with sensory sensitivities, the proposed display would be designed to minimise potential impacts. As mentioned above, the use of static imagery, absence of flashing or rapidly changing visuals, and adaptive brightness controls would serve to reduce sensory intrusion. These features would reflect current best practice in accessible design and demonstrate a commitment to inclusivity. Given the existing illuminated environment and the controls proposed, there is no evidence to suggest that the display would have an adverse impact on individuals with invisible disabilities.
9. Consequently, the proposed advertisement would be acceptable and not cause harm to public safety. I have had regard to Policies T2 and T4 of the London Plan [March 2021] and to Policy 36 of the Sutton Local Plan 2016–2031 [Adopted February 2018] so far as they are material. These policies refer to development proposals and transport assessments however, and advertisements are not development for the purposes of planning legislation, so the policies are not directly relevant to the proposal before me.

Conditions

10. I have considered the conditions suggested by the appellant and Transport for London, making minor amendments where necessary, to ensure compliance with the tests as set within the Framework and the Planning Practice Guidance. In addition to the five standard conditions, conditions are necessary to control the levels of illumination and imagery in the interests of amenity, inclusivity and mitigating risk to public safety.

Conclusion and Recommendation

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

A Khan

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is allowed.

S Edwards

INSPECTOR