

Appeal Decision

Site visit made on 10 August 2021 by C Glaister BSc (Hons)

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2021

Appeal Ref: APP/T5150/Z/21/3274097

1 Olympic Way, Wembley HA9 0NP

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Martin Tynan (of Stadium Holdings Limited) against the decision of the London Borough of Brent.
 - The application Ref 21/0016, dated 4 January 2021, was refused by notice dated 30 March 2021.
 - The advertisement proposed is an internally illuminated advertising board on the front of the building.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). Whilst I have had regard to the revised national policy as a material consideration in my decision-making, in this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

4. The main issue is the effect of the advertisement on the amenity of the area.

Reasons for the Recommendation

5. The Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material; and any other relevant factors.
6. The Planning Practice Guidance sets out that in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement, and the local characteristics of the

neighbourhood should always be considered. The Framework sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.

7. The appeal site is located at the northern end of Olympic Way. The proposed host building is in the process of conversion to mixed commercial and residential use, and it marks the beginning of a row of large buildings which lead along Olympic Way to Wembley Stadium. The site is positioned closer to Wembley Park Station than the northernmost building on the opposite side of Olympic Way. It is also much larger than the building opposite and, as such, is easily visible from the west.
8. The site and the proposed advertisement are seen head-on, and at an early stage when approached from Wembley Park Drive. This includes areas of the road which remain distinctly residential, and which mostly feature modest detached and semi-detached two-storey properties. Olympic Way has a denser development structure and many elements of commercial character, mainly at ground-level.
9. The proposed advertisement, although much narrower than it is tall, would have a very large total area. It would be almost entirely obscured when viewed from Wembley Stadium, and would only be seen obliquely from Wembley Park Station. Due to its height, orientation, and location, views of the advertisement from most aspects of Olympic Way would also be limited. However, to view it only in the context of Olympic Way would be unrepresentative of its impact from other viewpoints.
10. Its size, location and orientation would make it highly visible to those approaching from Wembley Park Drive. From there it would be seen in the context of areas with a residential character rather than with the commercial elements of Olympic Way. In these views it would be a substantial and intrusive addition in a prominent location at the end of the road. Although on a very large building, it would nonetheless appear as dominant and incongruous when seen from this area of more residential character, particularly as it would be on the upper floors of a predominantly residential building, where large, illuminated advertisements unrelated to the building would not normally be expected. Therefore, the proposed advertisement would harm the visual amenity of the area.
11. The illumination of the advertisement, and its use of a rotation of images, though static, would exacerbate the harm by increasing its degree of visual intrusion. It would be more readily visible during darker hours, despite a lower level of illumination, and would attract greater attention when transitioning to new images. Although elements of these features could be controlled by condition, such as the level of illumination and the frequency and nature of changing images, this would not fully mitigate the harm when seen from Wembley Park Drive.
12. The site is within the Wembley Stadium Regeneration Area and Wembley Town Centre. The appellant has also referred to the site being located within the Wembley Opportunity Area, Wembley Growth Area, Site Allocation '1 Olympic Way', Strategic Cultural Area, and Tall Building Zone. Some of these designations appear to be set out in the Draft Brent Local Plan, which I have not been provided with. I have very little information about these designations or what they seek to achieve, or whether they include any reference to

advertisements. It has not therefore been demonstrated that being within these designated areas would justify a large, intrusive advertisement of the type proposed. As such, these designations do not weigh in favour of allowing the proposal. Furthermore, although the proposal has been reduced from the two advertisements put forth in a similar scheme, this is not sufficient to avoid harm arising.

13. There are other large advertisements in the local area, however those referred to by the appellant are not as high up as the proposal and most appear to relate to the function of the building they are on. As such, they are seen in the context of surrounding commercial development, rather than in wide views from the more residential area as the appeal proposal would be. They are therefore materially different to the proposal before me in terms of their context, visibility and relationship with their host property. Moreover, none have altered the character or appearance of the approach along Wembley Park Drive to the extent that it could accommodate an advertisement of the scale proposed, therefore their existence would not mitigate the harm that would arise from the appeal proposal to the amenity of the area.
14. For these reasons the advertisement would harm the amenity of the area. I have taken into account the Council's SPG8 Advertisements (Other Than Shops) Supplementary Planning Guidance Number 8 (SPG8), which provides guidance on advertisements in relation to amenity and public safety and so is material in this case. Given I have concluded that the proposal would harm amenity, it would conflict with this guidance.
15. The Council has referred to Policy WEM 3 of the Wembley Area Action Plan (January 2015) which requires a consistent approach to the public realm in this area. It does not however refer to advertisements, amenity or public safety and as such does not appear to have direct relevance to the matters which I can consider, therefore it is not demonstrably material to this appeal. The Council also refers to Policy DMP1 of the Brent Development Management Policies (November 2016), however that Policy sets out criteria to be met for development to be acceptable. Advertisements are not 'development' in planning terms and as such that policy is not material to this appeal.
16. The appellant has referred to the site being covered by an allocation policy, W16, however I have not been provided with a copy and there is no evidence before me that it relates directly to advertisements. Therefore, it has not been demonstrated that it is material to this appeal.

Other Matters

17. Pedestrians taking the steps down from Wembley Park Station would have limited views of the advertisement. Conditions, such as those controlling illumination and the frequency of image rotation, could be imposed to ensure that the potential to distract those navigating the steps is limited. Similarly, they would significantly reduce any potential for the proposal to cause a distraction to drivers and the consequent potential for harm to the safety of road users or pedestrians. The proposal would not therefore have an unacceptable impact on public safety.
18. Whether or not the Council indicated that the proposal was likely to be supported prior to the application, its final decision was to refuse consent for the proposal. The proposal has been considered with respect to its own

individual merits, having regard to all of the evidence before me, including my observations on site.

Conclusion and Recommendation

19. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

C Glaister

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the recommendation. Therefore, the appeal is dismissed.

L McKay

INSPECTOR