



Appeal Decisions

Site visit made on 31 May 2023

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2023

Appeal A Ref: APP/T5150/W/22/3298223

Harrow Road (A404), near the junction with Sylvia Gardens, Wembley, London HA9 6PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by BT Telecommunications Plc against the decision of London Borough of Brent.
 - The application Ref 22/0233, dated 13 January 2022, was refused by notice dated 18 March 2022.
 - The development is described as installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosks.
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Appeal B Ref: APP/T5150/H/22/3298224

Harrow Road (A404), near the junction with Sylvia Gardens, Wembley, London HA9 6PG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations) against a refusal to grant express consent.
 - The appeal is made by BT Telecommunications Plc against the decision of London Borough of Brent.
 - The application Ref 22/0234, dated 13 January 2022, was refused by notice dated 18 March 2022.
 - The advertisement proposed is installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens.
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Decision

1. Appeal A is allowed and planning permission is granted for installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosks at Harrow Road (A404), near the junction with Sylvia Gardens, Wembley, London HA9 6PG, in accordance with the terms of the application, Ref 22/0233, dated 13 January 2022, subject to the conditions set out in the Schedule to this Decision.
2. Appeal B is allowed and express consent is granted for installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens at Harrow Road (A404), near the junction with Sylvia Gardens, Wembley, London HA9 6PG, in accordance with the terms of the application, Ref 22/0234, dated 13 January 2022. 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 additional conditions set out in the Schedule to this Decision.

Preliminary Matters

3. As set out above there are two appeals on this site. Appeal A relates to a refusal for planning permission and Appeal B relates to the Council's refusal to grant advertisement consent. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. In respect of Appeal B the Regulations regarding advertisements states that control may only be exercised in the interests of amenity and public safety. I have had regard to the policies of the development plan and supplementary guidance only in so far as they are a material consideration relevant to matters before me.

Main Issues

5. The main issues in respect of both appeals are:
 - The effect of the proposed development upon the character and appearance of the area; and
 - The effect of the proposal upon the pedestrian and highway environment.

Reasons

Character and appearance

6. The appeal site is an area of pavement in front of a block of apartments close to the North Circular. Opposite the site is a retail parade displaying various fascia and projecting signs. The pavement is particularly wide in this location and street furniture along this section of the road includes a bus shelter, telecom equipment cabinets, road signs and streetlighting.
7. Whilst the Street Hub would introduce a new feature into the street scene it would have a slender modern appearance, in a muted colour, resulting in a less conspicuous structure within the street scene.
8. Given its slender proportions, the commercial nature of the area and the width of the pavement I find that the cumulative impact of the Street Hub and the existing street furniture would not adversely affect the character and appearance of the area or diminish the sense of openness that exists.
9. Whilst the advertisement displays would be illuminated, I find that the digital displays would not be unduly intrusive or incongruous given its position in an area with a prominent commercial appearance. Despite the Council's contention, there is nothing before me to indicate that the illumination levels proposed would be excessive. As such I give this element of the Council's argument limited weight.
10. For these reasons the Street Hub and the digital advertisement displays would not adversely affect the character and appearance of the area. The proposal would accord with Policies DMP1 and BD1 of the Brent Local Plan (2022) (LP); Supplementary Planning Document 1 – Brent Design Guide (2018) and Supplementary Planning Guidance 8 – Advertisements (Other Than Shops) which, amongst other things, require developments to be of high urban design

quality and that the location, scale, detailing and design complements the locality.

Pedestrian and highway environment

11. The Street Hub would be sited on the pavement set in from the edge of the pavement by 0.5m maintaining a gap of approximately 7.5m between it and the grounds of Sylvia Court.
12. Despite the Council's view, the absence of pedestrian flow data does not preclude me from assessing the potential impact of the proposed development upon public safety. In my view the gap would be a sufficient width to allow pedestrians and other users to move along the pavement without obstruction, even when taking into consideration the presence of street furniture along this section of Harrow Road.
13. It is likely that a person or group using the Street Hub would be an intermittent occurrence and would not lead to a noticeable reduction or obstruction of the footway. Whilst it would be positioned close to the pavement edge users would be aware of their surroundings including traffic flows and most likely would respond accordingly. There is no credible evidence, before me, that users of the Street Hub would be put in danger by passing traffic.
14. In the vicinity of the site Harrow Road gently curves with good visibility in both directions. The Street Hub would be set in from the pavement edge and views of the dedicated cycle lane and the pedestrian crossing would remain largely unaffected. It would be a sufficient distance from the pedestrian crossing to avoid any risk of distraction approaching it. Moreover, conditions would ensure images are static and illumination levels are controlled. I see no reason why the digital advertisement displays would distract drivers along this section of Harrow Road.
15. The Council contend that the Street Hub would prejudice a future cycle route from Wembley to Willesden. However, there is no substantive evidence before me to support this. I therefore afford this limited weight in coming to my decision.
16. As such, the proposed advertisement displays would not unacceptably affect public safety. It would accord with LP Policies DMP1 and BT1 which, amongst other things, seek to ensure that developments do not have an adverse impact on the movement network and prioritise active and sustainable travel.

Conditions

17. In the interests of certainty, with regard to Appeal A, I have imposed the standard conditions relating to the commencement of the development and the approved plans. It is also necessary to impose a condition in relation to the external finish of the hub in order to ensure a satisfactory appearance. Finally, in respect of Appeal A, a condition has been imposed for the removal of the existing phone boxes in order to improve the appearance of the area and reduce street clutter.
18. In respect of Appeal B, the five standard conditions as set out in the Regulations apply. In addition, and in the interests of public safety conditions have been imposed relating to the display and transition of images. These reflect the proposed list of conditions included within the appellant's evidence.

Conclusion

19. For the reasons set out above both Appeal A and Appeal B succeed.

B Thandi

INSPECTOR

Schedule of conditions

Appeal A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Maps Drawing Number 001 Rev A; Proposed Site Plan Drawing Number 002 Rev A and Existing and Proposed Plans Drawing Number 003 Rev A.
- 3) The external surfaces of the development shall be constructed using the materials, finishes, and colours as described in the BT Street Hubs Product Statement v1.0 February 2021 and as shown on the BT Street Hub Proposal Renders 2021.
- 4) Before the BT Street Hub hereby approved is brought into use, the two existing phone boxes indicated for removal, shall be removed and the street surface made good to match the adjoining footway surface materials.

Appeal B

In addition to the standard conditions in the Regulations:

- 1) The advertisement display shall only display static images and shall not display any moving images, animation, flashing, scrolling or video images.
- 2) The minimum display time for any advertisement shall be 10 seconds and the change between advertisement images shall take place over a period no greater than one second with no sequencing, fading, swiping or merging of images.
- 3) The intensity of the illumination of the advertisement display hereby permitted by this consent shall be no greater than 600 cd/m² between the hours of dusk (local sunset time) and dawn (local sunrise time).
- 4) No content on the advertisements shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.