



Appeal Decisions

Site visit made on 30 May 2023

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2023

Appeal A Ref: APP/T5150/W/22/3298217

Pavement on the corner of High Road and Napier Road, Wembley, London HA0 2DW

- 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 22/0226, dated 13 January 2022, was refused by notice dated 17 March 2022.
 - The development proposed 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/22/3298218

Pavement on the corner of High Road and Napier Road, Wembley, London HA0 2DW

- 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 22/0227, dated 13 January 2022, was refused by notice dated 17 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 on the pavement on the corner of High Road and Napier Road, Wembley, London HA0 2DW, in accordance with the terms of the application, Ref 22/0226, 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 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens on the pavement on the corner of High Road and Napier Road, Wembley, London HA0 2DW, in accordance with the terms of the application, Ref 22/0227, 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 environment.

Reasons

Character and appearance

6. The appeal site is an area of pavement close to the junction of Napier Road and the High Street forming part of the town centre. This part of the road extending eastwards is characterised by retail and commercial. The High Road extending westwards beyond Napier Road is predominantly residential.
7. The pavement is particularly wide at this point and street furniture includes trees, street lighting, benches, cycle racks, a bus shelter and a telephone kiosk. Advertising in the vicinity of the site is mainly limited to fascia signs above business premises.
8. Although the new Street Hub would be taller than the existing telephone kiosk it would replace, it would have a slender profile and subtle colour scheme resulting in a less conspicuous structure within the street scene. It would be less bulky than the telephone kiosk reducing clutter within the street scene. The removal of a bulky and run-down telephone kiosk replaced by the proposed Street Hub would, in my view, improve the quality of the streetscape.
9. Advertisement displays by their very nature are meant to be noticeable and draw the eye. They are also a common feature in urban locations and, as proposed, on a busy commercial thoroughfare would not result in a prominent feature unduly affecting the appearance of the area.
10. I am satisfied that the proposed development would not appear as an incongruous, obtrusive or overly dominant feature in the street scene. Accordingly, the proposed advertisement display would not harm the amenity of the area.
11. As such the proposed development would accord with Policies DMP1 and BD1 of the Brent Local Plan (2022) (LP); Supplementary Planning Document 1 – Brent Design Guide and Supplementary Planning Guidance 8 – Advertisements (Other

Than Shops) which, amongst other things, require developments to be of high urban design quality and the location, scale, detailing and design to complement the locality.

Pedestrian environment

12. Whilst the street hub would be a further piece of street furniture, it would be sited in an area where benches, cycle stands, bins and trees are already features. The removal of the existing kiosk and the position proposed would ensure that adequate space around the Street Hub would be retained.
13. The presence of the Street Hub would make little difference to the useable area of the pavement for pedestrians and other users of the highway. Given the width of the pavement at this point the development would allow users to pass one another without hindrance including in the event that a group would be using the Street Hub. It would not introduce excessive clutter on the pavement and would not present an obstruction to pedestrian movement or adversely affect pedestrian safety.
14. As such, I conclude that the proposed development would not unacceptably compromise pedestrian and highway movement or 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. It would also accord with the Transport for London 'Pedestrian Comfort Guidance for London' Document which, amongst other things, seeks to create excellent pedestrian environments and to encourage walking.

Conditions

15. 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 to improve the appearance of the area and reduce street clutter.
16. 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

17. 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 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.