



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: 7 July 2023

Appeal A Ref: APP/T5150/W/22/3298219

Corner of High Road and Park Lane, Wembley, London HA9 6AH

- 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 22/0229, dated 13 January 2022, was refused by notice dated 17 March 2022.
 - The development is installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk.
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Appeal B Ref: APP/T5150/H/22/3298220

Corner of High Road and Park Lane, Wembley, London HA9 6AH

- 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 BT Telecommunications Plc against the decision of London Borough of Brent.
 - The application Ref 22/0230, dated 13 January 2022, was refused by notice dated 17 March 2022.
 - The advertisement proposed is 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens.
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Decision

1. Appeal A and Appeal B are dismissed.

Preliminary Matters

2. 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.
3. 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 the matters before me.

Main Issues

4. 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

5. The appeal site is an area of pavement forming part of Wembley town centre - a bustling retail and commercial centre. This part of High Road consists of a new high-rise residential development and more traditional buildings with varying shopfronts, fascia and projecting signs.
6. The site is close to the controlled junction of High Road and Park Lane. In terms of street furniture, the immediate context includes a run of cycle storage, a freestanding map and streetlighting. The wider street scene includes existing kiosks, street trees, benches and a freestanding advertisement display panel. The road at this point has an already cluttered appearance.
7. On account of its height, width and position in the street the proposed development would introduce an unduly prominent feature into the town centre adding to the visual clutter in this location, to the detriment of the area.
8. The Street Hub would also incorporate digital advertisement displays on both sides that, despite its town centre location, would be visually prominent and intrusive when considering the existing street furniture in the area. I note the appellant has suggested conditions to control illumination and imagery. However, this would not overcome my concerns in respect of the effect on the character and appearance of the area.
9. As such, I conclude that the proposed development would adversely affect the character and appearance of the area contrary to Policies DMP1 and BD1 of the Brent Local Plan (2022) (LP) and Supplementary Planning Documents 1 and 8 which, amongst other things, require high quality design and developments to complement the locality in terms of siting, scale and design.

Pedestrian and highway environment

10. The Street Hub would be set in from the edge of the pavement by 1m maintaining a gap of approximately 6.2m between it and the back of the pavement.
11. Whilst it would reduce the width of the pavement given its position it would not create a pinch point or materially restrict pedestrians from walking along High Road. Nor would use of the Street Hub by a person or group result in a noticeable reduction or obstruction of the footway.
12. 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.
13. Along High Road close to the junction is an inset parking area which accommodates a loading bay and bus stop. During the site visit, on a weekday afternoon, I noted vehicles parked and deliveries taking place in this area. I also observed pedestrians crossing High Road at this point rather than using the nearby controlled crossings. Whilst this is a snapshot in time, there is nothing before me to suggest, that this is not a regular occurrence.

14. In my judgement the height and width of the Street Hub and its position in the street would impede visibility for vehicles, in particular those turning left from Park Lane onto High Road. This would increase the likelihood for collisions with pedestrians or vehicles pulling out of the inset area which would have an unacceptable impact upon public safety irrespective of the prevailing traffic speeds.
15. Furthermore, users of the Street Hub, due to its position in the street, may well spill into the road or may attempt to cross the road at this point leading to users of the Street Hub being put in danger by passing traffic.
16. As such the proposed development would adversely affect public safety contrary to LP Policies DMP1 and BT1 which, amongst other things, require developments not to have an adverse impact on the movement network and a public realm that meets healthy street principles and access for all.

Other Matters

17. The appellant has drawn my attention to a number of benefits associated with the proposed development including meeting growth and digital strategies, access to wi-fi; 5G cell coverage and way finding tools. I acknowledge these would be positives of the development, however, these benefits would be limited with the development of one Street Hub. Despite, the importance the National Planning Policy Framework places on high quality communications, these benefits do not carry significant weight in favour of the proposal.
18. The removal of a bulky and run-down telephone kiosk replaced by the proposed Street Hub would, in my view, result in some localised improvement in visual terms and would remove a draw for anti-social behaviour, but this would not outweigh the harm that I have identified.
19. I note the examples of similar forms of development provided by the appellant. However, I am not aware of the individual circumstances that led to them being implemented, in any event every appeal must be considered on its own merits. The presence of other similar developments does not outweigh the harm that I have identified in relation to the main issues.

Conclusion

20. For the reasons set out above both Appeal A and Appeal B do not succeed.

B Thandi

INSPECTOR