



Appeal Decision

Site visit made on 4 July 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2023

Appeal Ref: APP/T5150/Z/23/3315991

63 High Road (Flank Wall), Willesden, London NW10 2SU

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Ms Anna McAree (Build Hollywood Ltd) against the decision of the Council of the London Borough of Brent.
 - The application Ref 22/3992, dated 23 November 2022 was refused by notice dated 18 January 2023.
 - The advertisement proposed is non-illuminated timber billboard (standard 48 sheet size) for the display of static posters.
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Decision

1. The appeal is allowed and express consent is granted for the display of non-illuminated timber billboard (standard 48 sheet size) for the display of static posters as applied for. 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.

Preliminary Matters

2. The Council's reason for refusal references "Local Plan Policies DMP1 and BCH1". Initially, the Council supplied Policies DMP1 and BCH1 of the London Borough of Brent Local Plan Development Management Policies document, November 2016 (DMP 2016). However, the Council have since clarified that those policies were supplied erroneously given that the DMP 2016 has been replaced with the London Borough of Brent Local Plan 2019-2041, February 2022 (LP 2022). Policies DMP1 and BCH1 of the LP 2022 have been supplied to me since, and I have taken these policies into account in so far as they are material to the case.
3. Amongst the plans which have been submitted to me there are two versions of an elevation of the side wall of the host property. The drawing numbers are 02 and 03. One plan shows an option whereby a section of the wall to the surrounds of the proposed advertisement would be painted white whilst the other plan does not propose this paintwork. I return to this matter later in my reasoning.

Main Issue

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

Reasons

5. The appeal site is located within the Willesden Green Conservation Area (CA). The CA predominately comprises of a commercial centre where many terraced properties line High Road and Walm Lane. The shops and other businesses are generally within the ground floor of properties with residential and office accommodation within the upper floors. Many of the properties within the CA are traditionally designed and incorporate distinctive and ornate architectural features. This includes traditionally designed shop fronts. Many buildings are constructed of brick with clay tile or slate roof coverings although, other materials are also represented. There are landmark buildings within the CA. This includes the Church of St Andrew, the Willesden Green Library and Willesden Green Underground Station. Despite the commercial and built-up nature of the area, there are a number of trees within the street scene. The traditionally designed commercial properties, the common use of certain building materials, the landmark buildings and the street trees contribute positively to the character and appearance of the CA and its significance.
6. In accordance with the statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.
7. The appeal site forms part of the side elevation on the corner of High Road and Ellis Close. The side wall that the proposed advertisement would be affixed to is blank and largely rendered. The front elevation of the host property includes some traditional architectural features including to its ground floor shop front. Between the side elevation and the road there is an area of hard surfacing and an area enclosed by palisade fencing. Owing to its corner plot position, the appeal site has quite an open aspect. Therefore, it is readily appreciable in views from both High Road and Ellis Close and, in turn, from within the CA. Despite this high degree of visibility and, although elsewhere the host property and the parade it is within includes architectural features very reflective of the CA as a whole, the side elevation which forms the appeal site itself and the location of the proposed advertisement does not share the same positive elements which are exhibited elsewhere in the CA.
8. Being a commercial centre, the local area has a vibrant character. The many commercial premises are served by a significant assortment of advertisements and shop frontages. The presence of much street furniture, including road signs and traffic lights, adds further to the visual animation of the area. Whilst most adverts in the area are located on shop fronts and are relatively modest in size, this is not entirely the case. I have had drawn to my attention and, also noted on my visit, a nearby billboard similar in scale to that proposed, together with a mural, on the corner of High Road and Poplars Avenue. I have no substantive evidence before me that these features are unauthorised nor that there is a good reason for me to disregard their presence. Furthermore, even though most adverts in the area are smaller in size than that proposed would be, and even though they may generally relate to the premises upon which they are situated, these existing signs are so many in number, so varied in appearance and, include examples that are located on side elevations, that the proposed billboard would not appear incongruous in this context. In coming to this view, I acknowledge that many of the existing advertisements and street furniture will not have a positive impact on the character or appearance of the area.

Nevertheless, they still partly characterise the area and thus form a key part of the context for the proposal.

9. The proposed advertisement would be set relatively low down on the side elevation and, therefore, loosely at eye level. However, given this, I find that the advertisement's positioning, no higher than and, broadly level with, the existing shop frontages and associated signage that it would be viewed in conjunction with, would assist in ensuring it appropriately assimilates into the area.
10. I have already set out that the proposed advertisement would be affixed to a side elevation which does not exhibit the same positive elements which contribute to the character and appearance of the CA and its significance. Although the proposed advertisement would be clearly visible, I find that it would result in no harmful effects upon the traditional design features and material finishes of the host property, the other properties in the area, nor the other features that I have set out positively contribute to the character and appearance of the CA and its significance.
11. A previous appeal decision also in relation to an advertisement at 63 High Road has been submitted to me¹. It may be that when consent was granted for that advertisement at that time the site was not within a conservation area. Even so, I have formed my own view, based on the evidence before me now, and taking account of the current and relevant planning circumstances.
12. For the above reasons the proposed advertisement would result in no unacceptable effects on the visual amenity of the area. The character and appearance of the CA would be preserved.
13. One of the submitted plans includes a proposal to paint an area to the surrounds of the proposed advertisement. This paintwork, identified on plan as a "setting enhancement" would not form part of the proposed billboard structure itself or appear to be for any purpose of advertisement, announcement, or direction. Therefore, it has not been shown to me that this paintwork forms a part of the advertisement for which express consent is sought. I also noted on my site visit that an area reflective of that shown on the plan was already painted white. Regardless of these matters, I have identified that no unacceptable effects on the visual amenity of the area would result from the proposed advertisement and, this is irrespective of whether the paintwork does or does not take place or, may have already taken place.
14. I have taken into account Policies DMP1 and BCH1 of the LP 2022 which, amongst other matters, seek to ensure that proposals are complementary to the locality and sustain or enhance the significance of heritage assets and, therefore, are material in this case. Given I have concluded that the proposed advertisement would not harm visual amenity and would preserve the character and appearance of the CA, there would be no conflict with these policies.
15. Although not cited within their reason for refusal the Council have also referred to its adopted guidance - the Supplementary Planning Guidance 8 Advertisements (other than shops) document (SPG) and the Brent Design Guide Supplementary Planning Document, November 2018 (SPD). These

¹ Appeal Decision Reference APP/T5150/H86/0862

guidance documents include advice that is quite prescriptive. I have had regard to their content including the advice within the SPG that 48 sheet sized hoardings are normally identified as being unacceptable. However, for the reasons given above and, in these particular circumstances, I nevertheless find the proposed advertisement to be acceptable. Unlike the SPG, the advice within the SPD is not specific to advertisements but the design of development proposals more generally. I find that a significant amount of its advice is largely irrelevant to the main issue in this case. However, as no harm to visual amenity would result from the proposed advertisement no conflict with the SPD would result including its principle that proposals should respect the existing character of the streetscape and the historic environment.

16. Finally, the Council also refer to the National Planning Policy Framework (the Framework). In finding that the effects upon the visual amenity of the area would be acceptable and, that no harm to the designated heritage asset would result, it follows that the proposal does not conflict with advice within the Framework.

Other Matters

17. Given that express consent is sought for the advertisement proposed and, given I have concluded that the effects of the proposed advertisement on the visual amenity of the area would be acceptable, whether the hoarding that has been in situ at the appeal site remains lawful or not is not a determinative factor in my decision.

Conclusion

18. For the reasons given above, the appeal is allowed.

H Jones

INSPECTOR