



Appeal Decision

Site visit made on 1 August 2023

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 11th September 2023

Appeal A Ref: APP/T5150/W/22/3299888

Pavement o/s 59 High Street, Harlesden, London NW10 4SJ

- 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 the Council of the London Borough of Brent.
 - The application Ref: 22/0946 dated 28 February 2022, was refused by notice dated 12 May 2022.
 - The development proposed is installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, plus the removal of associated BT kiosk(s).
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Appeal B Ref: APP/T5150/H/22/3299889

Pavement o/s 59 High Street, Harlesden, London NW10 4SJ

- 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 British Telecommunications Plc against the decision of the Council of the London Borough of Brent.
 - The application Ref 22/0947, dated 28 February 2022, was refused by notice dated 12 May 2022.
 - The advertisement proposed is 2no. digital 75" LCD advert screens to new BT street hub.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. Appeal A relates to the refusal of planning permission for the proposed hub. Appeal B is in respect of refusal of advertisement consent for the LCD signage which would be an integral part of the proposed hub sought under Appeal A. I have considered both on their individual merits. However, to avoid repetition, I have dealt with the relevant issues concurrently.
4. In respect of Appeal B, Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and

the National Planning Policy Framework (the Framework) make it clear that advertisements are subject to control only in the interests of amenity and public safety. While not decisive, I have taken relevant policies into account as a material consideration.

Main Issues

5. The main issues in these appeals are:

- a) the effect of the proposals on the character and appearance and visual amenity of the area, having regard to the conservation area and the setting of nearby listed buildings,
- b) the effect of the proposal on pedestrian and highway safety,

and, primarily in respect of Appeal B:

- c) whether the proposed lighting levels from the advert screens would harm visual amenity, particularly for the occupiers of nearby properties.

Reasons

Issue a) Visual Amenity

- 6. The appeal site is on the north side of the High Street Harlesden, close to its junction where the High Street turns north. There are retail and commercial uses on the ground floor with a mix of uses on the upper floors, which would appear to include some residential uses. The pavement widens out at the junction of the High Street to the immediate west of the appeal site where the Grade II listed Jubilee Clock is sited; this dates from the late 1880s and I understand that the four sided clock on a decorative cast iron was erected in celebration of Queen Victoria's Golden Jubilee. The appeal site and much of the surrounding town centre is within the Harlesden Conservation Area comprising much of the town centre, with its significance being the range of mainly three and four storey buildings, often of individual design flanking the High Street and reflecting its development from the Victorian period onwards as a retail led town Centre. The Jubilee Clock forms a key focal point within the town centre and Conservation Area.
- 7. The proposed hub would be sited towards the kerb edge of the pavement, leaving just under 3m of pavement to the building frontages. The pavement along this part of the High Street is relatively uncluttered. It serves a town centre location, but the pavement is not particularly wide. In the context of the available width of the unobstructed pavement and the taking into account the height of the premises along the High Street, in the vicinity of the site, I consider that the proposed hub would appear as a very bulky, solid structure, which would be overly dominant and visually intrusive in the local context.
- 8. Section 72(1) and of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me, when determining proposals in conservation areas, that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me with respect to a listed building or its setting, to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

9. Approaching from the east towards the junction of the High Street where the Jubilee Clock is sited, the tall and solid structure of the hub would intrude into if not obscure views of the designated heritage asset. Its role as a focus point in the town centre, with views towards it from a number of different directions is a key part of the significance of the clock as well as contributing to the character and appearance of the town centre and the Conservation Area. Taking into account its size and solid form, the proposed siting of the hub with its advertisement panels would therefore harm the setting of the designated heritage asset and the character and appearance of the Conservation Area.
10. With regard to Appeal A, for the reasons given the hub would have a significant adverse effect on the character and appearance of the area. It would fail to preserve the character or appearance of the Harlesden Conservation Area or the setting of the listed building. It would not accord with Policies DMP1 and BHC1 of the Brent Local Plan and the guidance contained in the Council's SDP 1 and SPD 8 as well as the Framework and in particular Sections 12 and 16, insofar as they seek to ensure good design that is related to local context and conserves the significance of heritage assets and their settings. The Council's reason for refusal also refers to the London Plan but does not refer to any specific policies and nor are any particular policies referenced in the Officer's report. Whilst the London Plan is part of the development plan, I cannot give this reference any weight, without being advised of the specific policies where there is an alleged conflict.
11. With regard to Appeal B, for the reasons given, the advertisement would unduly harm the visual amenity of the area. I have taken into account the policies of the development plan insofar as they are material, and the scheme would fail to comply with those policies referred to above in this respect.
12. Paragraph 202 of the Framework sets out that where a development proposal would lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal. It is my conclusion that the proposal in harming and failing to preserve both the character and appearance of the Conservation Area as well as the setting of the listed clock structure would result in less than substantial harm to the designated heritage assets.
13. The proposal would provide a range of services, including, amongst others, wifi, device charging, public messaging facilities, free calls to landlines, and wayfinding contributing towards a 'smart city'. It would be powered by renewable energy, would generate minimal waste and would include features to prevent crime and antisocial behaviour. It would provide a platform for other technologies such as environmental conditions and key data and could support businesses and the vitality of the area.
14. The proposal includes for the removal of a structure incorporating two phone boxes on Manor Park Road. Whilst the removal of any redundant structure from the street scene is to be welcomed, it is too far away and unrelated to the current proposal to be afforded weight in my decision.
15. Taking all of these factors into account including the support in the Framework and the London Plan for high quality communications, as well as the Council's own Digital and Inclusive Growth Strategies, these public benefits would be modest. They would fail to outweigh the less than substantial harm to the

heritage assets and would not provide a clear and convincing justification to allow the proposal to proceed, as required by the Framework.

16. The Council has referred to the site being within a Heritage Action Zone but I have been provided with no additional information in this regard and am unable to give it any weight in my decision.

Issue b) Highway and Pedestrian Safety

17. The pavement along this part of the High Street is relatively uncluttered. It serves a town centre location but the pavement is not particularly wide. I consider that its solid form and taking into account its width and detailed siting, would present an obstruction to pedestrian traffic, passing along this part of the High Street, particularly given the general absence of street furniture in the immediate proximity to constrain the manner in which pedestrians are able to use the pavement.
18. The Council also raises a concern in respect of highway safety in terms of the proximity of the hub and advertisements to the traffic lights with pedestrian crossing facilities. However, in the context of this town centre location and given that those approaching the lights travelling in an easterly direction would be some distance from the proposed hub and adverts, I am not persuaded that the hub would create a harm to road users. For vehicles heading in a westerly direction the pedestrian crossing is slightly beyond the proposed siting of the hub and on the opposite side of the road. Again, I am not persuaded that in the context of a town centre location, the hub with its advertisements would be a distraction to drivers in the vicinity of the crossing.
19. The Council has also referred to highway improvements along this stretch of the High Street to provide a Cycle Future Route from Wembley to Willesden Junction / Scrubs Lane. Although this is to be welcomed, I have been provided with no further information to indicate how the proposed hub might hinder this improvement. This does not persuade me to conclude that a refusal would be justified on this ground.
20. However, these considerations in respect of highway and pedestrian safety in relation to future highway improvements and in respect of the existing traffic lights with pedestrian crossing do not outweigh the harm I have concluded from presenting an obstruction to pedestrians using the pavement in the vicinity of the hub in this town centre location. I therefore conclude that the proposal would obstruct pedestrian flows and would therefore harm pedestrian safety. This would conflict with Policy DMP1 of Brent's Local Plan in this regard.

Issue c) Visual Amenity: Lighting

21. In respect of the levels of illumination which particularly relates to Appeal B, the proposal indicates that both screens would automatically dim at night to 600 cdm⁻². The Council has contended that this is considered too high but without elaborating their concerns.
22. The light level would fall within the recommendations set out under the Institute of Lighting Professionals - Professional Lighting Guide No.5 2015: *The Brightness of Illuminated Advertisements*. Furthermore, the illuminated adverts would be seen in the context of a street scene which is generally well lit, including from street lighting, commercial premises as well as existing illuminated advertisements. I do not therefore share the Council's concerns

that the illumination levels, particularly at night time, would be too high and have a materially detrimental effect on nearby sensitive properties. There would be no conflict with Policy DMP1 of the Local Plan or the Council's SPD 8 in this respect.

23. However, my finding on this issue does not outweigh the conclusions I have already reached on the other two main issues.

Other Considerations

24. The Appellant has drawn my attention to a number of decisions, including appeal decisions, in Brent including along Harlesden High Street and elsewhere. Each proposal must be considered on its individual merits, but in so far as the information has been made available to me, I have taken them into account. However, the circumstances do not appear to compare directly with the situation before me in this appeal and they do not therefore persuade me to a different view.

25. The Appellant has also raised concerns that the Council has not been prepared to enter pro-active discussions on this and other hub proposals within the Borough, but my decisions are based solely on the planning merits of the appeals before me. The concerns raised would need to be directed to the Council.

Conclusion

26. For the reasons given above and having regard to all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

L J Evans

INSPECTOR