



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: 18 September 2023

Appeal A Ref: APP/T5150/W/22/3299890

Pavement o/s 161 High Street, Harlesden, London NW10 4TL

- 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: 22/0950 dated 28 February 2022, was refused by notice dated 12 May 2022.
 - The development proposed is Proposed 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/22/3299891

Pavement o/s 161 High Street, Harlesden, London NW10 4TL

- 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 22/0951, 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 allowed and planning permission is granted for the removal of 2 no. phone kiosks from the street scene in Brent and the installation of 1 no. BT Street Hub Units on the pavement outside 161 High Street, Harlesden, London NW10 4TL in accordance with the terms of application Ref: 22/0950 dated 28 February 2022, subject to the conditions set out in the Schedule attached to this Decision.
2. Appeal B is allowed and express consent is granted for the display of two digital screens on either side of a BT street hub as applied for and in accordance with the terms of application Ref: 22/0951 dated 28 February 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 attached to this Decision.

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 both these appeals are:
 - a) the effect of the proposal on the character, appearance and visual amenity of the locality, including lighting levels, and
 - b) The effect of the proposal on public safety.

Reasons

Issue a) Visual Amenity

6. The appeal site is located on the north-east of the High Street and outside of the building at 161 – 163 which is in use as a Job Centre. It is a four storey building and would appear to be wholly in commercial use although this has not been confirmed. Although the Council advises that the site is within the Harlesden town centre, the surrounding uses comprises a mix of retail and service uses as well as residential.
7. The proposed hub with its advertisement displays would be sited towards the kerb edge leaving a distance of just under 3.3m to the building edge. The pavement outside the building where the hub would be sited is relatively uncluttered, although there are some street trees and a covered bus shelter further to the south-east outside of the same building.
8. The wider street scene is of generous proportions with a wide road including on-street car parking bays on both sides of the road and pavements of generous width. The four storey building of the Job Centre stands out in terms of its scale and proportions compared with the more modest scale of buildings in the vicinity. In that context, the scale of the hub and display would be moderated by the space about it and would not appear overly large or visually prominent in the context of the adjoining building. Although it would be viewed as a notable feature, as it is intended to be, it would respect the human scale of the streetscape and would not be unduly prominent or obtrusive within it.
9. The proposal includes for the removal of the existing phone box slightly further to the north-west of the replacement hub. This would be important to be secured in terms of removing unnecessary structures from the pavement, before the new hub was brought into operation. Furthermore, the existing

phone box is now in a poor state of repair and detracts from the street scene. A further phone box is also proposed to be removed; however, this phone box is further away on Station Road. Whilst the removal of any redundant structures from the street scene is to be welcomed, it is too far away and unrelated to the current proposal to be afforded any weight in my decision.

10. 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.
11. 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 and commercial premises. I do not therefore share the Council's concerns that the illumination levels, particularly at night time, would be too high.
12. The Council has referred me to a locally listed building at No 175 High Street which immediately adjoins the Job Centre on its south-eastern side. Whilst I agree that the building is an attractive building and a positive enhancement of the street scene, I also agree with the Council's view that given the distance to the proposed hub, there would be no harm to the character or appearance or setting of this locally listed building. The setting of the locally listed building would be preserved.
13. I am therefore satisfied that the proposal would respect the character, appearance and visual amenity of the locality. It would accord with Policy DMP1 of Brent's Local Plan and Brent's Supplementary Planning Document 1 and Supplementary Planning Guidance 8 for Advertisements, as well as the National Planning Policy Framework, and in particular Section 12, all of which amongst other matters, seek high quality development to respect and respond positively to the local context. 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.

Issue b) Public Safety

14. I have taken into account that there is no information on pedestrian flows submitted although the Council has not indicated a specific requirement for this. Furthermore, given the siting of the proposed hub, I am satisfied that there would remain a generous width of unencumbered pavement which would not be affected by the siting of the proposed hub. I do not therefore agree with the Council's contention that, given the overall width of the pavement and that remaining with the proposed hub in place, the proposed hub would result in a significant reduction in the width of the footway.
15. The Council has also referred to highway improvements along this stretch of 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.

16. I am therefore satisfied that the proposal would not result in or exacerbate street clutter and that there would be no resultant harm on public safety grounds, including with regard to pedestrian and highway safety. It would respect Policy DMP1 of Brent's Local Plan, which amongst other matters seeks high quality development to respect and respond positively to the local context. The reason for refusal also refers to TFL's Pedestrian Comfort Guidance, which is a guide for those involved in the planning of London's streets but the absence of reference to this guidance in the Appellant's submission is not in my view determinative in my decision.

Other Considerations

17. The Council has provided me with extracts from the Harlesden Neighbourhood Plan which I understand to be adopted, although it has not been further referenced by the Council. For the reasons set out under my main issues, I do not consider that there would be any conflict with the Policies and Aspirations which have been provided to me, namely Policy DP1 (Town Centre Development Design Principles), Community Aspiration 14 and Policy T3, both relating to cycle provision and pedestrian and cycle access improvement. Furthermore, the Harlesden Neighbourhood Forum has written in support of the proposal before me.
18. 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.

Conditions

19. The Council has not proposed any conditions in respect of either appeal. The Appellant has indicated that matters pertaining to the advertisement appeal with regard to speed of change between adverts and illumination can be controlled through appropriate conditions.
20. In respect of the proposed removal of the existing phone box in close proximity to the proposed hub and notwithstanding that it is referenced in the description of development, I consider that a condition should be imposed to ensure its removal before the proposed hub is brought into operation to avoid unnecessary street clutter. The Appellant has suggested removal within 3 months of the commencement of development, but I consider it would be more straightforward and less ambiguous to link it to the commencement of the operation of the new street hub and that this timing for the removal of the existing kiosk can be concurrent with the new hub coming into operation. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
21. The advertisement consent would be subject to the 5 standard conditions, as set out in the Regulations. In addition, in the interests of visual amenity and public safety, restrictions as to the nature and brightness of displayed images, their duration and transition are necessary.

22. Although these conditions have not been seen by the Appellant, I am satisfied that they broadly follow those proposed by the Appellant and that no party would be prejudiced by their imposition.

Conclusion

23. For the reasons given above and having regard to all other matters raised, I conclude that Appeals A and B should be allowed.

L J Evans

INSPECTOR

Schedule of Conditions

Conditions in relation to Appeal A: Ref: APP/T5150/W/22/33299890

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: BREN009 001 Rev A; BREN009 002 Rev A; BREN009 003 Rev A;
3. Prior to the hub and integral advertisements first being operated, the existing BT Kiosk on the pavement outside Harlesden Job centre 161 High Street, London NW10 4TL shall have been removed and the pavement reinstated.

Additional Conditions in relation to Advertisement Consent under Appeal B: Ref: APP/T5150/H/22/33299891

4. The intensity of the illuminance of the two digital display screens shall be no greater than 600Cd/m² between dusk and dawn.
5. The digital screen shall not display moving or apparently moving or audible images (including animation, flashing, scrolling three dimensional, intermittent or video elements); nor shall there be a period of blending between advertisements.
6. The minimum display time for each piece of content on the digital display screens shall be 10 seconds.
7. No visual effects of any kind shall be permitted to accompany the transition between any two successive images. The replacement image must not incorporate any fading, swiping or other animated transitional method.
8. All illumination shall be non-intermittent unless otherwise agreed in writing by the local planning authority.