

Appeal Decision

Site visit made on 12 November 2024

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 November 2024

Appeal Ref: APP/T5150/Z/24/3348934

242 North Circular Road, London, NW10 0JU

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/0963.
 - The advertisement proposed is replacement of existing paper and paste advertising hoarding with a digital advertising screen (D-Poster).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposal is for an illuminated LED advertisement measuring 6m x 3m. The base of the advertisement would be raised 2.8 metres from the ground.

Main Issue

3. The main issue in this case is the effect of the proposed advertisement on public safety.

Reasons

4. The appeal site is located in a mixed use area which includes a busy highway junction, where the North Circular intersects with a number of roads. The site itself is at the corner of North Circular Road and Brentfield Road.
 5. Surrounding uses include housing, a local shopping parade, a MacDonalds and a Medical Centre. The busy junction towards which the proposed advertisement would face includes access to a road which itself provides access to a very large nearby car park for a major home furniture store, as well as access to an industrial estate including storage and distribution facilities. North Circular Road is an extremely busy multiple-lane highway.
 6. The proposed advertisement would face out towards road users travelling south along North Circular Road, turning south down Brentfield Road, or turning south from roads to the north of the North Circular Road/Brentfield Road junction.
 7. During my site visit, I observed there to be several traffic-lights controlling junctions in the immediate vicinity of the appeal site, together with a number of
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pedestrian crossings. A children crossing sign is located close to the appeal site and a nearby speed camera covers traffic travelling south along North Circular Road, approaching the junction onto which the proposed advertisement would face.

8. I also observed pedestrian and cycle movements in the area around the appeal site. During my site visit, this included people travelling in various directions, including towards a nearby bus stop, MacDonalds, the Medical Centre, the shopping parade and the major furniture store.
9. The proposal would replace an existing paper and paste advertisement, the simple, unchanging appearance of which currently results in an advertisement which does not appear particularly intrusive nor draw undue attention to itself.
10. By way of contrast, the proposed advertisement would provide for regularly changing displays, with images changing every ten seconds. The changing images would be illuminated and would draw attention to themselves in the day-time and during hours of darkness.
11. Noting this, I find that the proposal would introduce an obtrusive, eye-catching advertisement facing directly onto an exceptionally busy junction used by vehicles of all shapes and sizes, in an area that is also busy with pedestrians and other road-users needing to cross multiple roads in order to reach various destinations.
12. In this regard, I refer above to the presence of a speed camera in the immediate vicinity of the appeal site and I also note that the appellant has provided evidence showing that a number of accidents "occurred in a position from which the proposed sign location was visible" between 2021 and 2023.
13. Taking all of the above into account, I am concerned that the proposed advertisement, designed to capture the attention of road-users, would do so within what is an extremely busy location where any distraction runs the significant risk of placing pedestrians, cyclists and other road-users in danger.
14. Consequently, I find that the proposed advertisement would be detrimental to public safety. It would be contrary to the National Planning Policy Framework, to Policy T4 of the London Plan (2021), to Policies BT1 and DMP1 of the Brent Local Plan (2022) and to the Council's Advertisements (Other Than Shops) Supplementary Planning Guidance Number 8 (2004), which together amongst other things, seek to protect highway safety.

Other Matters

15. In support of its case, the appellant refers to a case study which examines road safety records for roads surrounding installed signs, before and during their operation. Whilst this reveals that, in those cases, there is no discernible impact on road safety from LED advertisement signage, I am mindful that the case study relates to other sites, elsewhere. There is no evidence before me to demonstrate that the circumstances related to these other examples provide for direct comparison to the proposal the subject of this appeal.
16. Notwithstanding this and in any case, I have found that the proposal would be detrimental to public safety and this is not something that is altered or mitigated by a case study relating to other developments elsewhere.

17. Also in support of its case, the appellant refers to the presence of other advertisements elsewhere. However, there is no substantive evidence to demonstrate that the circumstances related these other advertisements are so similar to those of the proposal before me as to provide for direct comparison. Notwithstanding this and as above, I have found that the proposed development would result in significant detriment to public safety and this is not a matter altered by the presence of other advertisements elsewhere.

Conclusion

18. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR