



Appeal Decision

Site visit made on 10 March 2025

by **L Clark BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 April 2025

Appeal Ref: APP/T5150/Z/24/3354329

Empire Way, Wembley, Greater London HA9 0EW

- 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 24/2198.
- The advertisement proposed is internally illuminated freestanding digital display screen.

Decision

1. The appeal is allowed and express consent is granted for the display of the internally illuminated freestanding digital display screen at Empire Way, Wembley, Greater London, HA9 0EW 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 and the following additional conditions:
 - 1) The development shall be undertaken in strict accordance with the approved documents for this Advertisement Consent, which comprise:
 - 23689 | PA | 03 Proposed Site Plan
 - 23689 | PA | 04 Proposed Site Plan
 - 23689 | PA | 05 Existing and Proposed Elevations
 - 23689 | PA | 06 Specification
 - 2) There shall be no moving images, animation, video or full motion images displayed unless otherwise permitted by this consent.
 - 3) In the hours of darkness, the advertisement display luminance shall be no greater than 300cd/m² in accordance with the recommended maximum nighttime luminance value set out for Environmental Zone 4 in Table 10.4 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays (or its equivalent in a replacement guide) in cd/m².
 - 4) In daylight hours, the advertisement display luminance shall be controlled in order to reflect ambient light conditions (to ensure it is neither too bright or too dull), and shall at all times be no greater than the recommended maximum daytime luminance values set out in Table 10.5 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m².

- 5) Unless otherwise permitted, the minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features which would result in interactive messages / advertisements being displayed.
- 6) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect. The display to include a mechanism to default to a blank or black screen in the event of malfunction, or if the advertisement is not in use.
- 7) No images displayed shall resemble official road traffic signs, traffic lights or traffic matrix signs.

Preliminary Matters

2. I have amended the description in the banner with the agreement of the appellant to that used by the Council. This is a more accurate description of development than that given on the application form and ensures that it captures the scope of the proposal.
3. The National Planning Policy Framework (the Framework) was revised in December 2024, with further minor updates in February 2025. As the changes do not materially affect the main issue in this case, the parties have not been invited to make further comments.
4. The Decision notice refers to Policies T4 (F) and DMP1 of the Brent Local Plan 2019-2041 (Local Plan); however, the officer report and appellant's statement state Policy T4 relates to the London Plan 2021. Given the evidence before me, I have determined the appeal on the basis of Policy T4 (F) being within the London Plan.
5. For consistency, I have used the appellant's descriptions of the road layout as shown in Figure 2.2 of their Highway Safety Report Rev 01 dated 22 October 2024 (HSR).

Main Issue

6. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) sets out that powers under those Regulations shall be exercised only in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.
7. The Council does not object to the siting of the advertisement on amenity grounds, and following my site visit, I see no reason to disagree. Therefore, the main issue is the effect of the proposed advertisement on public safety.

Reasons

8. Planning Practice Guidance (PPG) states that all advertisements are intended to attract attention, however, those proposed at points where drivers need to take more care are more likely to affect public safety. The PPG further advises on the main types of advertisement which may cause danger to road users. These include, amongst other matters, those which obstruct or impair sight-lines at corners, bends or at a junction, or at any point of access to a highway; those which, because of their size or siting, would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal, or would be likely to distract road-users because of their unusual nature; those externally or internally illuminated signs (incorporating either flashing or static lights) including those utilising light-emitting diode technology; or those which incorporate moving or apparently moving elements

in their display, or successive individual advertisements which do not display the whole message.

9. The gyratory on which the advertisement would be displayed currently accommodates a petrol filling station (PFS) and is located on a busy road system within an urban area. The road is 30 mph and facilitates access to a range of commercial facilities and residential uses on all sides. The road alongside the appeal site comprises two lanes, expanding to three to the north on Wembley Park Drive.
10. The PFS has one entrance and two exits which are utilised via the one-way system. The road network, which circumnavigates the gyratory, has a number of give-way markers and pedestrian refuge points as well as a zebra crossing to the junction with Wembley Park Drive Eastbound. The PFS currently has a number of illuminated and non-illuminated signs.
11. The proposed internally illuminated advertisement would be set behind the existing crash barrier of the PFS, approximately 1 metre from the carriageway. It would measure approximately 1.23 metres in width by 2.4 metres in height and incorporate a depth of approximately 0.22 metres. Its screen would be in view of passing motorists travelling in one forward direction. It would display 6 advertising campaigns at a time, sequencing every ten seconds and would be 300cd/sqm from dusk to dawn and up to 5,000 cd/sqm at all other times.
12. The Council contends that the position of the proposed advertisement would sit within the forward visibility splay and would obstruct the drivers view of the road ahead. It does not, however, provide any substantive evidence to demonstrate this. In contrast, the appellant's HSR provides a detailed analysis of the visibility envelope towards the appeal site and assesses drivers sightlines towards the proposed advertisement. It demonstrates that vehicles travelling from Empire Way Northeast bound have priority on the gyratory. It also shows that drivers would have clear lines of sight towards Wembley Park Drive, across both lanes and the sharp bend. Furthermore, vehicles travelling on Empire Way Southwest bound towards Wembley Park Drive Northbound are required to give way to other vehicles travelling towards the gyratory from Empire Way Northeast bound. With vehicles stopped, drivers from Empire Way Southwest bound would have clear lines of sight towards Wembley Park Drive, across both lanes and towards the zebra crossing and the sharp bend.
13. From the evidence before me, drivers on this stretch of the carriageway would have clear and unimpeded sightlines towards pedestrians waiting to cross at the zebra crossing, and of other highway users; and there would also be sufficient unimpeded sightlines for all highway users.
14. The appellant's HSR also contains accident data from Transport for London, which adds weight to my assessment. Within a five-year period, eight collisions were recorded all of which were 'slight' in their severity. The majority of incidents were to the rear of the PFS, or to the opposite side of the appeal site, where the proposed site would not have been in view. One was driver error within the PFS, a further incident was between a bus and its passenger, and another was due to driver impairment.
15. Whilst the appellant's collision data demonstrates that the local area has had a number of collisions involving road users, these were not in the immediate area where the proposed advertisement screen would be located. In the absence of any substantive evidence from the Council, I am satisfied that it would not compromise public safety.

16. The Council also contends that the proposal could include colours and shapes which may be confused with nearby traffic signals at the pedestrian crossing. However, from my observations, with the exception of the zebra crossing, there were no traffic signals within the immediate vicinity.
17. I acknowledge that the illumination with its changing display would inevitably draw the eye of passing motorists or cyclists. However, I observed vehicles travelling at predominantly low speeds along this part of the gyratory. Notwithstanding this, given the carriageway layout, I do consider it important to ensure that the level of luminance is controlled, together with a restriction on the number of images displayed and the transition period. These matters could be addressed by suitably worded conditions.
18. Furthermore, taking the cumulative impacts of the proposed advert into account when seen against a backdrop of existing advertisements within the PFS, and those associated with the commercial premises on Wembley Park Drive, I consider it necessary to control the levels of luminance during the day and night.
19. For the reasons given above, I conclude that it has not been demonstrated that there would be an increased risk to public safety. The proposed development would therefore accord with the requirements of the Framework. Whilst not decisive, the proposal would also accord with Policy T4 (F) of the London Plan and Policy DMP1 of the Local Plan, which collectively seek to ensure development does not increase road danger.

Conditions

20. The Council have requested that conditions 8 to 13 listed in Appendix 2 - Model Conditions - Digital Consent be attached to this appeal in the event the appeal is allowed. I note the proposed display would operate within the threshold controls; however, to ensure that the luminance never exceeds the ILP guideline figure at nighttime, I consider it necessary to control the levels of luminance. I also consider it necessary to restrict the images displayed on the advertisement to static and control the length at which they are displayed, as well as the transition period from one to another. Given the nature of the appeal site, I also consider it necessary to restrict the images from resembling official road traffic signs, traffic lights or traffic matrix signs. For the avoidance of doubt, I have also imposed a condition requiring the consent to be carried out in accordance with the approved plans.

Conclusion

21. For the reasons given above, the appeal should be allowed.

L Clark

INSPECTOR