
Appeal Decisions

Site visit made on 3 June 2025

by **N Teasdale BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 June 2025.

Appeal A Ref: APP/T5150/W/24/3356997

Unit 1, 36 Wembley Hill Road, Wembley, Brent HA9 8FJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by IN FOCUS NETWORK LIMITED against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/2810
 - The development proposed is installation of 1x communication hub, incorporating a digital LCD advert screen and defibrillator on the pavement outside No. 36 Wembley Hill Road, HA9.
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Appeal B Ref: APP/T5150/H/24/3356993

Unit 1, 36 Wembley Hill Road, Wembley, Brent HA9 8FJ

- 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 IN FOCUS NETWORK LIMITED against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/2817.
 - The advertisement proposed is internally illuminated static free-standing advertisement display on communication hub outside No. 36 Wembley Hill Road, HA9.
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Decision

1. Appeal A and Appeal B are dismissed.

Procedural Matters

2. As set out above there are two appeals on this site. They differ only in that Appeal B is for advertisement consent for the illuminated advertisement. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
3. The description of development as set out in the above banner heading has been taken from the Council's decision notice as this specifically refers to the proposed development in respect of both appeals.
4. Regulations to control advertisements may be exercised only in the interests of amenity and public safety. Although the reasons for refusal for Appeal B refers to policies contained in the London Plan, 2021 (LP), Brent Local Plan (2019-2041), 2022 (BLP) and Transport for London Pedestrian Comfort Guidance for London Guidance Document, 2010 (TfL GD), these are material considerations rather than being decisive in the determination of Appeal B.

Main Issues

5. It is considered that the main issues for Appeal A are the effect of the proposed development on:
 - The character and appearance of the surrounding area; and
 - Pedestrian/highway safety.
6. For Appeal B, the main issues are the effect of the proposed advertisement on:
 - Amenity; and
 - Public safety.

Reasons

Character and appearance

7. The appeal site relates to a proportion of the pedestrian pavement, located on the eastern side of Wembley Hill Road, outside No. 36 Wembley Hill Road. The appeal site is situated within the Wembley Town Centre and this section of Wembley Hill Road is commercial in character and has a mixture of street furniture in the form of street lighting, refuse bins, street signage, cycle racks, and traffic lights.
8. The proposed development seeks planning permission for the installation of 1x multi-purpose communication hub, incorporating a digital LCD advert screen on one side and defibrillator on the other side. The communication hub would be a freestanding structure constructed of galvanised steel with a powder coated metal case and digital HD display. It would offer a range of services that includes free ultrafast Wi-Fi, free phone calls to landlines and charities, defibrillator, wayfinding, device charging, rapid connection to emergency services, public messaging capabilities, and a platform for other technologies, available to the public. The advertisement display is the subject of Appeal B.
9. The proposed development would be positioned in a prominent location at the front of the pavement, next to the highway being readily visible from a number of public viewpoints. The development would be a solid vertical structure, which would have a height of 2.63 metres, a width of 1.33 metres and a depth of 0.91 metres. The proposed communication hub structure together with the internally illuminated digital advertisement panel, by reason of its size, scale, siting and design would be unduly obtrusive in this specific location and would result in cumulative visual clutter. It would comprise a visual barrier that harms the sense of openness and legibility which would be harmful to the visual amenity of the surrounding area and public realm. The proposed development would also constrain the width of the pavement which I discuss further below and would restrict the movement of people which is exacerbated by the use of the user interface/facilities. This would have a negative impact on the quality of the surrounding streetscape and public realm.
10. The proposed advertisement would be internally illuminated which would increase its overall visual prominence in this location even taking into account levels of luminance and display of content which could be controlled. In coming to such findings, I have had due regard to the scale and size of nearby buildings, other

street furniture and the presence of shop frontages but this would not mean that the scheme would not be dominant as it would unnecessarily add to street clutter in the area where it would appear obtrusive in this particular setting.

11. I therefore conclude on this issue that the proposed development would unacceptably harm the character and appearance of the surrounding area. Appeal A would therefore be contrary to Policy D8 of the LP; Policies DMP1 and BD1 of the BLP; Brent Design Guide Supplementary Planning Document 1, 2018 and Advertisements (other than shops) Supplementary Planning Guidance 8, 2004. Such policies amongst other matters, explain that development proposals should ensure the public realm is well-designed, safe, accessible, inclusive, attractive, well-connected, related to the local and historic context, and easy to understand, service and maintain.
12. Given my findings above in terms of character and appearance matters, it is concluded that Appeal B would also harm amenity and would conflict with the above-mentioned policies.

Pedestrian/highway safety

13. It is understood that Brent Council has targets to increase active travel modes such as walking and cycling, with one of the requirements being to reduce street clutter to ease pedestrian flow.
14. The location of the site within the town centre, close to Wembley Stadium and outside a parade of shops results in a high pedestrian footfall, especially on Wembley Stadium event days. Wembley Hill Road is also a heavily trafficked distributor road and bus route. Whilst the overall footway is a generous width, only about 5 metres is adopted public highway (with a 3 metre privately managed forecourt behind). This means that occupiers of adjoining commercial units could install furniture on their forecourts such as seating/planters etc. The proposed communication hub would be installed in the direct desire-line for pedestrian movement and would reduce the width of the adopted public footway. This would cause an obstruction to pedestrians. It would also prejudice the Highway Authority's ability to efficiently manage and improve this length of the highway by adding to street clutter in the area.
15. Whilst the available width of the footway would broadly comply with the recommended minimum footway width of 5.3 metres for a larger item of street furniture in an area of high pedestrian flow, as set out in the TfL GD, no details of pedestrian flows have been submitted to support the appeal. To this end, actual pedestrian flows in this area on Wembley Stadium event days are exceptionally high. As much unobstructed footway space as possible is therefore required to maintain pedestrian safety.
16. The proposed development would also be sited just 8 metres south of the Holiday Inn car park exit which serves the busy hotel. Being set close to the kerb edge, it would obstruct the visibility splay southwards from this junction and thus would be detrimental to pedestrian/highway safety. I have had due regard to the direction of travel, but the structure would still obstruct the required visibility splay for vehicles leaving the car park which is unacceptable and could lead to conflicting movements.

17. For the reasons given above, I conclude on this issue that the proposed development would unacceptably harm pedestrian/highway safety. Appeal A would therefore be contrary to Policy T2 of the LP; Policy DMP1 of the BLP and TfL GD which together, amongst other matters, explains that development will be acceptable provided it is satisfactory in terms of means of access for all, parking, manoeuvring, servicing and does not have an adverse impact on the movement network.
18. Given my findings above in terms of pedestrian/highway safety matters, it is concluded that Appeal B would also harm public safety and would conflict with the above-mentioned policies.

Other Matters

19. I am aware of the appellant's frustrations with the Council during the course of the application process although this would not alter my findings in relation to the above main issues.
20. The appellant is fully committed to ensuring the quality of installations including their management and reduction in crime although again this would not alter my findings.
21. I acknowledge the benefits associated with the scheme as referred to above and I am aware of the support set out in the Framework for high quality communications whilst noting smart city solutions, unit management plans, sustainability, and innovation matters. However, given the nature of the development, the extent to which these are beneficial are limited and would not outweigh the identified harm. In respect of Appeal B, this relates to advertisement consent only where the regulations require that I exercise my powers only with regard to amenity and public safety.
22. Reference has been made to the appellant's plans to replace an existing telephone call box at another site. However, no existing telephone kiosk would be removed in this location, so this proposal is for an entirely new piece of street furniture that will unnecessarily add to street clutter in the area.

Conclusion

23. The proposed development would unacceptably harm the character and appearance of the surrounding area and would unacceptably harm pedestrian/highway safety. Accordingly, the proposed development would conflict with the development plan when considered as a whole as well as the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. There are no material considerations, either individually or in combination including the provisions of the Framework, that would outweigh the identified harm and associated plan conflict. I conclude that Appeal A and Appeal B should be dismissed.

N Teasdale

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/T5150/W/24/3356997	IN FOCUS NETWORK LIMITED
Appeal B	APP/T5150/H/24/3356993	IN FOCUS NETWORK LIMITED