
Appeal Decisions

Site visit made on 29 May 2025

by **J Symmons BSc (Hons) CEng MICE**

an Inspector appointed by the Secretary of State

Decision date: 04 July 2025

Appeal A Ref: APP/T5150/W/24/3353892

Pavement outside 390 High Road, Brent, London HA9 6AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Urban Innovation Company (UIC) Ltd against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/2211.
 - The development proposed is the installation of "Pulse Smart Hub" with integrated digital screens.
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Appeal B Ref: APP/T5150/H/24/3353893

Pavement outside 390 High Road, Brent, London HA9 6AS

- 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 Urban Innovation Company (UIC) Ltd against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/2212.
 - The advertisement proposed is two LED digital illuminated displays, one on either side of a "Pulse Smart Hub".
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Decisions

Appeal A Ref: APP/T5150/W/24/3353892

1. The appeal is dismissed.

Appeal B Ref: APP/T5150/H/24/3353893

2. The appeal is dismissed.

Preliminary Matters

3. Appeal A relates to a refusal for planning permission for the "Pulse Smart Hub", and Appeal B is in respect to the Council's refusal to grant consent for the advertisement on the "Pulse Smart Hub". To avoid duplication, I have dealt with the two schemes together, except where otherwise indicated. I have considered each proposal on its individual merits.
4. I have changed the development description for Appeal B to more accurately describe the proposed advertising.
5. With respect to Appeal B the Regulations regarding advertisements state that control may only be exercised in the interests of amenity and public safety. While

not in themselves decisive in Appeal B, I have, where relevant, taken into account policies cited in this appeal as a material consideration.

6. An existing bench at the appeal site was evident on the submitted site photographs and was referred to in the documentation provided. However, on my site visit the bench was not present and there is no evidence to show it would be replaced in the future. I have considered the appeals on the bench being absent.
7. The land to the rear of 390-408 Wembley High Road, which is adjacent to the appeal site, is being redeveloped and is currently under construction. This construction affects the appeal site, and in support of the appeal the appellant has included a copy of the redevelopment's Construction Logistics Plan Report dated June 2024 (Construction Logistics Plan Report). This report sets out, amongst a variety of construction activities, how the effect of construction traffic movements on local residents' amenity would be limited. As this report does not change the proposal, and the Council have commented on it, I consider that no party would be prejudiced by its inclusion and consideration of it in the determination of the appeals.

Main Issues

8. The main issues in the determination of Appeal A are the effect of the proposal on the character and appearance of the area and highway safety.
9. The main issues in the determination of Appeal B are the effect of the proposal on the amenity of the area and public safety.

Reasons

Character, Appearance and Amenity

10. The appeal site is located on the reasonably wide pavement at 390 High Road. It is next to the entry/exit flare of an in-set loading bay and near to a development access junction. The land immediately adjacent to the appeal site is being redeveloped and construction is ongoing and there is a temporary site hoarding running along the back of the pavement.
11. The pavement in the immediate vicinity of the proposal is reasonably clear of obstructions and street furniture with only a small number of street trees, some bollards, a bin, a small loading bay sign, street lighting and a cabinet present. To the opposite pavement, the street furniture is limited to typically two bus stops/shelters, streetlighting, a telecommunication kiosk and a bin.
12. The proposal would consist of a free-standing "Pulse Smart Hub" with two integrated LED digital illuminated displays, one on either side of the hub (Hub). It would be located towards the edge of the carriageway and would provide a range of free communication, digital connectivity, and emergency and lifesaving services and equipment.
13. The proposed Hub, even with its thinner and streamline form, would, due to its combined 1.28 metre (m) width, 2.54m height and solid nature, appear as an isolated, large and prominent feature in the open and relatively unobstructed pavement. It would increase the street clutter, would not relate well to other street furniture and would not integrate or complement the existing street scene. As there is limited isolated advertising in the immediate area the proposal's large illuminated

digital displays would, even with the images being static, further draw the eye and add to the proposed Hub's dominating effect. While there are some existing advertising boards on the nearby bus shelters, these are integrated into the shelters and, with their lighter structure and various mix of bus stop signage/boards, these, unlike the proposal, do not appear isolated or prominent.

14. It is indicated that the proposal would involve no significant ground excavations. However, this does not address the prominent and visual intrusion the proposal would have and does not change my view on the harm it would cause. Similarly, changing the proposed Hub's colour would not overcome its visual intrusion.
15. Regarding Appeal A, the proposal would harm the character and appearance of the area. It would conflict with Policy BD1 of the Brent Local Plan 2022 (Local Plan) and Policies D3 and D8 of the London Plan 2021 (London Plan). Collectively these seek to ensure that new development, amongst other matters, be to a high quality, respects and enhances local character and ensures that pedestrian amenity is improved.
16. In relation to Appeal B, the proposed advertisement would have an unacceptable and harmful effect on amenity. While not determinative, the proposal would also conflict with Policy DMP1 of the Local Plan which seeks new development, amongst other matters, complements the locality.

Highway and Public Safety

17. Being located on the wider pavement at the loading bay's flare, the proposal would still provide a clear pavement width similar in size to the narrowest section of pavement that runs next to the loading bay. As such, even though no pedestrian flow assessment has been provided, in all likelihood it would not significantly reduce the pedestrian flow that the existing pavement permits.
18. It has been confirmed that the proposed Hub's user interface would be located to the pavement side, Pedestrians using the pavement would have to navigate around the proposal and any users standing there. However, there is little compelling evidence presented to show this would significantly restrict the pedestrian flow or be any different to the obstruction caused by some of the existing street furniture such as the nearby streetlighting column and adjacent cabinet. As such, there is little to suggest the pavement's existing pedestrian flow, including the Wembley Stadium event days, would be unacceptably harmed.
19. While the proposed Hub would restrict vehicle drivers using the loading bay from seeing pedestrians on the pavement and vice versa, this would be very localised. As no formal road crossing exists directly at the proposal's location, and there are existing signalised pedestrian crossings nearby, in all likelihood this would not be a particularly desirable crossing point. Accordingly, there is little to suggest the proposal would unacceptably affect pedestrian safety in this regard.
20. Furthermore, the proposal would be positioned away from the edge of the road which in all likelihood would limit conflict with traffic and road maintenance operations. It would also allow the surrounding pavement to be maintained. It would not be dissimilar in terms of edge of road position to other street furniture such as the bus shelters. There is therefore little to suggest that the proposal would prejudice the ability of the Highway Authority to manage the highway and no compelling evidence to the contrary has been presented.

21. In assessing the above, I have considered guidance given in the Brent Council's Transport Recovery Plan Supplementary Planning Document (SPD), and the Council's comments that it has set targets to increase active travel modes such as walking and cycling, which include reducing street clutter to ease pedestrian flow. However, while the SPD sets priorities and identifies footway widening and town centre measures along High Road, no specific improvement works to the pavement are detailed for the appeal site or the loading bay. The proposal would largely maintain existing pedestrian flow and there is little to suggest it would discourage walking and cycling.
22. Notwithstanding the above, the proposal would obstruct the adjacent redevelopment's mitigation measures for managing construction traffic movements on High Road¹ and dealing with the higher pedestrian movements during Wembley Stadium event days². The appellant provides no substantive evidence to dispute this. Even though the mitigation measures are temporary, the construction fit out, testing and commissioning is detailed as being completed in the third quarter of 2027³ and the Council advises that the mitigation measures will affect the footpath for a three-year period. Without evidence to the contrary, it is possible that the mitigation measures could be in operation for a considerable time and the proposal would significantly affect them. The appellant indicates a willingness, should the appeals be allowed, to delay the proposal's installation until such time that these construction operations are completed. However, no mechanism of how this could be controlled has been provided. With the uncertainties relating to the construction time and the extent of the works, I am not convinced this matter could be satisfactorily controlled. Accordingly, the proposal would adversely affect the adjacent redevelopment's proposed construction mitigation measures and compromise highway and public safety.
23. Considering the above highway and public safety matters together, while the proposal would not adversely affect some aspects raised, these would not outweigh the significant compromise it would cause during the adjacent redevelopment's construction.
24. Consequently, for Appeal A the proposal would compromise highway safety and would conflict with Policy DMP1 of the Local Plan and Policies D8 and T4 of the London Plan. These policies seek new development, amongst other matters, would be satisfactory in terms of means of access for all, would not have an adverse impact on the movement network and would not increase road danger.
25. With respect to Appeal B, the proposal would unacceptably affect public safety. While Policy DMP1 of the Local Plan is not determinative, I have considered and found the proposal would increase road danger and conflict with this policy.

Other Matters

26. While reference is made to a prior approval being given in 2017 for a telephone kiosk in the same location, there is little to suggest it is directly comparable to the proposal. While drawings and full details of the kiosk were not provided, the details that were outlined indicate that it did not have any advertising, was open on two sides, had reinforced laminated glass panels and only had a public payphone fitted.

¹ As shown on Drawing 23-T112/09 Revision A and Drawing 23-T064/11 Revision C of the Construction Logistics Plan Report.

² As detailed in Paragraph 4.61 and on Figure 4.4b of the Construction Logistics Plan Report.

³ Table 5.1 and Table 5.2 of the Construction Logistics Plan Report.

In all likelihood it would have been a lighter, more transparent and less imposing structure. Even with its larger size there is no substantive evidence that the kiosk would have appeared bulkier than the proposed Hub. The kiosk therefore does not set a precedent and does not lead me to a different conclusion on the appeals before me. In any event I have determined the appeals on their own merits.

27. As set out in the Design, Management and Operational Statement 2024, the proposal would provide free access to a built-in defibrillator and Nasal Naloxone opioid antagonist equipment. It would also provide a number of free public services including access to emergency and 999 services, phone calls, Wi-Fi, device charging and wayfinding facilities. It would include Smart City Platform technology allowing open-source data collection and sharing, air quality and environmental monitoring, built-in CCTV monitoring and would provide an allowance for free community and public service advertising. The proposed Hub would also have a low power consumption and boost wireless network connectivity. It would be regularly cleaned, maintained and managed to ensure the above services and equipment are available at all times and to reduce misuse.
28. It would support national and local policies for the roll out of digital infrastructure and provide a number of social, economic and environmental public benefits. However, while it is advised that the proposal was strategically positioned through a rigorous site selection process, other than some general assessment criteria listed, little detail is provided to demonstrate the need for it at this location. Indeed, due to its isolated and localised form, its public benefits would be limited. Furthermore, in all likelihood due to the nearby existing commercial and retail development, many of the identified benefits would be expected to already be available in the area. Little substantive evidence to the contrary has been provided. As such, I attribute moderate weight to the public benefits, and they would not outweigh the proposal's significant harm.
29. The appellant refers to various case law⁴ on the need for consistency in decision making and contends that the Advertisement Consent for the display of adverts with the two integrated display units of the hub and previous kiosk proposal are identical to the proposed Hub. However, other than a comparison of the dimensions and features, a direct comparison of these previous applications in terms of such things as direct relevance, scale, siting and design has not been provided. While consistency in decision making is important, I have approached the matter afresh and have fully considered the evidence presented. I therefore see no reason why inconsistencies in decision making would occur in the determination of the appeals.
30. Reference is made to a network of Pulse Smart Hubs being permitted and successfully installed in Belfast. However, full details of the selection and assessment process for the location of these hubs has not been provided. Nor has a comparison been provided to show the effects are the same as the proposal. As such I cannot be sure this example is directly comparable to the appeals before me. The example therefore does not change my view on the harm I have found.

⁴ North Wiltshire District Council v Secretary of State for the Environment and Clover 1992, The Queen (on the application of the Midcounties Co-operative Limited) v Forest of Dean District Council 2017 and Baroness Cumberlege of Newick and Patrick Cumberlege v Secretary Of State For Communities And Local Government and DLA Delivery Limited 2017.

Conclusion

31. The proposal would unacceptably harm the character, appearance and amenity of the surrounding area and would unacceptably compromise highway and public safety. For the reasons given above and having had regard to other matters raised, Appeal A and Appeal B should be dismissed.

J Symmons

INSPECTOR