



Appeal Decisions

Site visit made on 16 July 2025 by L Clark MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th August 2025

Appeal A Ref: APP/T5150/W/25/3360300

New World Payphones Telephone Box, Outside 131 Cricklewood Broadway, Brent, London, NW2 3JG

- 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 New World Payphones against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/3392.
 - The development proposed is described as 'removal and replacement of existing telephone box with single black digital communications kiosk and ancillary advertisement.'
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Appeal B Ref: APP/T5150/H/25/3360302

New World Payphones Telephone Box, Outside 131 Cricklewood Broadway, Brent, London, NW2 3JG

- 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 New World Payphones against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/3393.
 - The advertisement proposed is described as 'removal and replacement of existing telephone box with single black digital communications kiosk and ancillary advertisement.'
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Decision

1. Both appeals are dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Despite sharing the same description of development which is taken from the application forms in each case as they are sufficiently indicative of the schemes, appeal A relates to the refusal of planning permission for the kiosk. Appeal B is in respect of a refusal of consent for the integrated advert. In respect of both, I have dealt with the relevant issues concurrently.
4. With regard to appeal B, the Council has drawn my attention to the policies it considered to be relevant, and I have taken them into account as material considerations. However, power to control advertisements may be exercised only in

the interests of amenity and public safety and therefore the policies alone have not been decisive.

Main Issues

5. The main issues are interlinked. In regard to appeals A and B respectively, they are the effect of the scheme on the character and appearance of the area with specific regard to trees/visual amenity; and highway/public safety.

Reasons for the Recommendation

Character and Appearance/ Amenity

6. The appeal site is located on the pavement along Cricklewood Broadway. Predominantly, the area around the site has commercial units on the ground floor facing towards the road. Some have very small forecourts near to the appeal site for seating or displaying goods for sale. There are a handful of mature trees along the Broadway that contribute positively to a verdant feel. There is a vibrancy to the area with a variety of designs of shop fronts of varying sizes and colours located in a busy environment. There are also a range of advertisement types with some that are illuminated that are close to the appeal site.
7. The proposed development would only be marginally larger in scale than the existing telephone box which is to be removed. In terms of the potential for street clutter, the development would replace the existing phone box and therefore would not amount to additional street furniture on the pavement. Given the mixed variety of advertisements on the surrounding ground floor shop fronts including several illuminated advertisements and given the lower height of the proposed advertising structure than most of the other signage, it would not be unduly obtrusive within the street scene. The proposed development would therefore assimilate comfortably within the bustling back drop.
8. There is a mature tree close to the site of which the proposed development would be within the crown. The appellant states that the foundation of the proposed development would not extend any deeper than 300mm and that they would utilize the existing concrete plinth. However, it is not obvious that the existing plinth extends as far as the proposed area for the kiosk and therefore further excavation would likely be required. Without any further specific details and given the close proximity of the proposed kiosk to the tree, I cannot be sure that even a foundation of 300mm along with works for the concrete plinth would not cause harm to the tree that contributes positively to the character and appearance of the area.
9. With regard to appeal A, there would therefore be harm to the character and appearance of the area through the proposed development having potential to cause harm to the nearby mature tree. The proposal would therefore be contrary to Policies DMP1, BD1 & BGI2 of the Brent Local Plan 2022 (BLP) which are concerned with development affecting trees amongst other things. With regard to appeal B, whilst the nature of the advert would not in and of itself give rise to amenity harm and it would comply with the aims of Policy DMP 1 of the BLP as far as they are material thereto, it is inseverable from the kiosk of which it would be an integrated part. It thus cannot be allowed given the harm it would give rise to for the reasons I have set out above.

Highway and Pedestrian Safety/ Public Safety

10. The appeal site is within a busy shopping area and close to a pedestrian crossing. The road is a main route through Cricklewood. At the time of my site visit, the pavement was also well used.
11. The proposed development would have a larger width than the existing telephone box. This would not be substantial, but it would still reduce the amount of pavement space available. Given the already fairly narrow arrangement due to the position of the tree and the courtyards of the closest commercial units, the kiosk would present a further obstruction and would restrict the walkable environment to the detriment of pedestrian movement and public safety.
12. The kiosk would be sited within the pavement and would not block any visibility for road users. Given the layout of the straight road with a bus lane, slower traffic approaching the pedestrian crossing and the variety of advertisements and signage in the area, the kiosk would not be a dominant distraction for road users for advertising purposes. There are other illuminated adverts near to the site and therefore the kiosk would not be unduly prominent or create confusion for drivers. Planning conditions could also be used to control the levels of illumination and the static nature of the advertisements to ensure that the advert does not cause a distraction at night.
13. Nevertheless, given the harm that I have identified with regard to pedestrian movements, appeal A would conflict with Policies DMP1 of the BLP and Policy T2 of the LP which are concerned with the movement network amongst other things. With regard to appeal B, the advertisement, being an inexorably linked part of the kiosk despite not being harmful to the safety of highway users in and of itself, it would cause harm to public safety by virtue thereof and thus could not be allowed. The proposal would be contrary to the aims of the same policies as far as they are material to the main issue.

Conclusion and Recommendation

14. For the reasons I have set out, appeal A would conflict with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance therewith. Appeal B would cause harm to both amenity and public safety due to its unavoidable association with appeal A. I therefore recommend that the appeals should be dismissed.

L Clark

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's report and on that basis the appeals are both dismissed.

John Morrison

INSPECTOR