



Appeal Decisions

Site visit made on 5 November 2025

by **A Hunter LLB (Hons) PG Dip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 November 2025

Appeal A Ref: APP/T5150/W/25/3372638

Outside Morrisons, No.399 Edgware Road London NW9 0AS

- 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 BT Telecommunications PLC against the decision of the Council of the London Borough of Brent.
 - The application Ref is 25/1647.
 - The development is the proposed deployment of a Street Hub 3 unit.
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Appeal B Ref: APP/T5150/H/25/3372640

Outside Morrisons, No.399 Edgware Road London NW9 0AS

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by BT Telecommunications PLC against the decision of the Council of the London Borough of Brent.
 - The application Ref is 25/1648.
 - The advertisement proposed is two digital 75-inch LCD display screens, one on each side of the Street Hub unit.
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Decisions

Appeal A

1. The appeal is allowed, and planning permission is granted for the proposed deployment of a Street Hub 3 unit at Outside Morrisons, No.399 Edgware Road London NW9 0AS, in accordance with the terms of the application, Ref 25/1647, subject to the conditions in the attached schedule at the end of this decision.

Appeal B

2. The appeal is allowed, and express consent is granted for the display of two digital 75-inch LCD display screens, one on each side of the Street Hub unit at Outside Morrisons, No.399 Edgware Road London NW9 0AS, in accordance with the terms of the application, Ref 25/1648. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the 2007 Regulations), and subject to the conditions in the attached schedule at the end of this decision.

Preliminary Matters

3. The proposal for Appeal B would be an integral part of the proposal for Appeal A. As such, to avoid repetition I have provided one reasoning section, detailing my findings for both appeals. Notwithstanding this, each proposal and appeal has been considered individually, and on its own merits.

4. In relation to Appeal B, the Council's reasons for refusal refer to development plan policies and the National Planning Policy Framework (the Framework). However, the 2007 Regulations require that decisions are made only in the interests of amenity and public safety, as appropriate to each case. Therefore, although I have taken the Framework and development plan policies into account, they have not been decisive considerations in my determination of that appeal.

Main Issues

5. The main issues with respect to Appeal A are the effect of the proposed development on highway safety and the character and appearance of the area.
6. In respect of Appeal B, the main issues are the effect of the proposed advertisement on public safety and the visual amenity of the area.

Reasons

Highway safety/public safety

7. The proposed hub would be sited on the pavement to one side of Edgware Road, some 0.5 metres or so at its closest to the carriageway edge, which would still ensure a minimum retained pavement width of approximately 5.3 metres for those passing the hub on the pavement. Immediately to one side of the proposed hub is a small, splayed loading bay, which is on the same level as the pavement, and acts as a shared surface, forming part of the pavement when not in use by vehicles. On my site inspection I saw that the loading bay was used for parking scooters. To the opposite side of the appeal site on the same side of the road, is a bus stop and associated shelter, which contains a digital advertising panel, and beyond that is an additional free-standing digital display panel.
8. I saw on my site inspection that Edgware Road has two-way traffic movements along it, with two lanes of traffic on each side of the road, including a bus lane on the side nearest the proposed hub. There was also a controlled pedestrian crossing point near to the appeal site, with a central pedestrian island. In addition, I saw that there are controlled pedestrian crossing points further along both sides of Edgware Road at the junctions with Capitol Way and Grove Park. Although only a snapshot in time, I also observed that traffic was mostly moving slowly along the road, possibly due to those traffic lights at the nearby controlled junctions.
9. I also observed on my site inspection that due to the position of the bus shelter, most pedestrians walked along the opposite side of the pavement to where the proposed hub would be located, as a result, its location would be unlikely to obstruct pedestrian desire lines along this part of the pavement. Furthermore, as the Council also accept, the retained generous pavement width would provide adequate space for pedestrians, including those with mobility issues and pushchairs to safely pass one another. For the same reasons I was not convinced the proposal's location would cause an unacceptable obstruction to cyclists. Therefore, the siting of the proposed hub would not adversely affect active and sustainable travel movements along the pavement.
10. The nearby loading bay can be accessed from vehicles moving in either direction along Edgware Road. Although the loading bay is not set out within the proposed plans, I was able to observe its position in relation to the appeal site on my site inspection. Drivers turning into the loading bay when travelling from the Burnt Oak

direction have to cross the opposite carriageway, in doing so, drivers would likely need to wait for a break in the traffic, meaning the manoeuvre would also likely be at a slow speed, and their position near to the middle of the carriageway would provide them with a good view of the loading bay and pedestrians moving around it. The proposed position of the hub would unlikely obscure such views of the loading bay and nearby pedestrians, particularly given its narrow width and depth. Drivers exiting the loading bay travelling towards the Hendon direction would be unlikely to be affected by the proposed hub as it would be located behind them and vehicles approaching on the nearest carriageway would be travelling towards them.

11. Drivers accessing the loading bay when travelling towards Burnt Oak would turn into it, as it would be on the same side of the carriageway (across the bus lane), the position of the proposed hub would mean drivers would have a good level of visibility of it, and pedestrians on the pavement, particularly given the aforementioned pedestrian desire lines. Drivers exiting the loading bay travelling towards Burnt Oak would join that side of Edgware Road, and they would likely be at the righthand side of the vehicle, which alongside the proposed hub's setback from the kerb edge, would afford them a good level of visibility of any waiting buses in the nearby bus stop, along with any other approaching vehicles, pedestrians and other highway users. Whilst pedestrians may walk behind the hub, and choose to cross the road at that point (not using the nearby controlled crossing points), the proposed hub's 0.5 metres setback from the pavement edge would likely allow drivers sufficient views of any such waiting pedestrians.
12. This section of Edgware Road is relatively straight, without complicated junctions, and the proposed hub would not obscure nearby road signs. In view of the above, including the limited size of the loading bay, and with it being a shared surface, drivers are likely to be undertaking slow and careful movements into and out of it, and likely to be alert to the range of highway users. As such I am not convinced that the proposed location of the hub would be likely to cause unacceptable obstruction to sight lines, or require drivers using the loading bay to swerve into traffic, nor would it likely create conditions prejudicial to highway, cyclist and pedestrian safety.
13. It is acknowledged that the purpose of the proposed hub is to draw attention to its advertising. However, there are also other similar digital displays along Edgware Road, and its siting, scale, and appearance would not represent a significant distraction, even taken cumulatively with others nearby, to drivers alongside the demands of navigating this section of road, and responding to traffic signs and other highway users.
14. I therefore conclude that in terms of Appeal A, the proposals would not be harmful to highway or pedestrian safety, and in terms of Appeal B they would not be harmful to public safety. Although not determinative in relation to Appeal B, I also find that in respect of both appeals the proposed development would comply with the relevant parts of Policies D8, T2, and T4 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021 (LP) and Policies BT1 and DMP1 of the Brent Local Plan 2019-2041, adopted February 2022 (BLP), insofar as they require proposals to not increase road danger, be permeable by foot and cycle, safe, accessible, and prioritise sustainable travel. In addition, the proposal would comply with paragraph 117 of the Framework that requires

development to create places that are safe and secure and give priority to pedestrian movements.

Character and appearance/visual amenity

15. Behind the back edge of this section of pavement adjoining the appeal site is a further paved area in front of a large retail unit, which provides a spacious and mainly open area. There is some street furniture along the pavement nearby including a bus shelter, raised flower beds, seating, a street tree, and street lighting columns. The street furniture is mostly located to either side of the pavement.
16. The proposed hub would be approximately 1.2 metres wide, 3 metres high and have a depth of 0.35 metres. It would provide amongst other things, free public wi-fi, free UK calls, USB charging, wayfinding assistance, an emergency services button, a range of other digital services particular to the vicinity, along with internally illuminated digital advertising.
17. Although the proposed hub would add to the street furniture in this area, given the significant width of the pavement, and the spaced arrangement of nearby structures, and its proposed alignment with the bus shelter, it would appear legible and not create an unacceptable clutter of street furniture in this area. Moreover, its limited scale, size and high-quality appearance would harmonise with other nearby structures, including the height and appearance of the bus shelter and it would not appear obtrusive, nor would it harm the spacious layout of the pavement area.
18. The Council referred to other advertising nearby, including on the adjoining retail unit, at the nearby bus shelter, and an existing display screen on the opposite side of the bus shelter. The bus shelter is a different structure to the proposed hub, whilst it has a digital display board, it is seen within the context of the shelter itself, and from the Hendon side it would be seen through the structure, much different to the free-standing hub that is proposed. In addition, the position of the bus shelter would also screen some views of the proposed hub and the other digital display screen together, particularly from along that side of the pavement, meaning any such views of them together would likely be from a significant distance away, or from the opposite side of the road. The other advertising nearby is not overly dominant or unacceptably close to the appeal site, and the proposal would satisfactorily assimilate into this busy urban location, and not harm the character and appearance of the streetscene and the visual amenity of the area.
19. I therefore conclude that in terms of Appeal A the proposed development would relate well to the character and appearance of the area, and in regard to Appeal B there would be no harmful effects on the visual amenity of the area. Although not determinative in relation to Appeal B, the proposals would also comply with the relevant parts of LP Policies D3 and D8 and BLP Policies BD1, BT1 and DMP1 that seek to enhance local context, be of the highest architectural design quality, ensure the public realm is well-designed through the layout, scale and appearance of new development, and avoid unnecessary street clutter. Furthermore, the proposal would comply with paragraph 135 of the Framework insofar as it seeks to ensure proposals add to the overall quality of the area, are visually attractive, and are sympathetic to local character.

Other Matters

20. The Council's concerns about proposals being submitted from competing hub operators are noted. However each application must be considered on its individual merits, and in this case no unacceptable harm has been identified, nor has there been any conflict with relevant policies of the development plan been identified.

Conditions

21. For Appeal A, I have imposed the standard implementation condition and a condition specifying the approved plans to provide certainty.
22. For Appeal B, as well as the standard conditions for advertisements (referred to above), in the interests of public safety, conditions are also necessary: to prevent the display of any advertisements that contain moving images; to ensure a smooth transition between images and the length of time images are displayed; and to ensure that there are no error messages displayed in the event of a breakdown. In addition, for reasons relating to both public safety and visual amenity, a condition is necessary to restrict the levels of luminance of the advertisements and ensure they respond to ambient light levels.
23. In respect of Appeal B, the appellant sought a condition for a 10-year temporary permission. However, I was not persuaded in this case that there were exceptional circumstances or convincing arguments to justify why it was reasonable to impose a longer temporary period than 5 years in this case.

Conclusion

24. For the reasons given above, I conclude that the appeals should be allowed.

A Hunter

INSPECTOR

Schedule of Planning Conditions - Appeal A

- 1) The development shall be begun not later than the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following plans: drawing no's 24006905_PLN_LOC_1.1 (site location plan); 24006905_PLN_SI_2.1 (proposed site plan); 24006905_PLN_EL_3.1 (elevation plan); and the submitted BT Street Hub Unit Dimensions.

Schedule of Planning Conditions – Appeal B

- 1) There shall be no moving images or special effects (including noise, smell, smoke, animation, flashing, scrolling, three dimensional, intermittent or video elements) of any kind during the time that any message/advertisement is displayed.
- 2) The interval between successive displays shall be instantaneous (0.1 seconds or less), the complete screen shall change, there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays and the display will include a mechanism to freeze the image in the event of a malfunction.
- 3) The display shall not change more than once every 10 seconds. The use of message sequencing for the same product is prohibited, and the advertisements shall not include features or equipment which would allow interactive messages or advertisements to be displayed.
- 4) The screen display shall be erected with a mechanism installed in order that, if the screen display breaks down, it defaults to a blank black screen to avoid any flashing error messages or pixilation.
- 5) The screen display panel shall at all times be fitted with a light sensor to adjust to the brightness of changes in ambient light levels.
- 6) The intensity of the illumination of the two digital display screens shall not exceed 600 candelas per square metre (cd/m²) between dusk and dawn.

End of Schedule of Conditions