



Appeal Decisions

Site visit made on 18 November 2025

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2025

Appeal A Ref: APP/T5150/W/25/3372762

Outside No 267, Cricklewood Broadway, London NW2 6NX

- 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 25/1668.
 - The development is the proposed deployment of a Street Hub 3 unit.
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Appeal B Ref: APP/T5150/H/25/3372763

Outside No 267, Cricklewood Broadway, London NW2 6NX

- 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 25/1669.
 - 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 dismissed.

Appeal B

2. The appeal is dismissed.

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 reason for refusal refers to development plan policies. However, The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the 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 relevant development plan policies and the National Planning Policy Framework (the Framework) into account, they have not been decisive considerations in my determination of that appeal.

5. Whilst the appellant has said the adjoining telephone kiosk is to be removed as part of the proposals, it is shown on the proposed plans. The appeal proposals have been assessed on this basis.

Main Issues

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

Reasons

Character and appearance/visual amenity

8. This part of Cricklewood Broadway is wide, part of a busy thoroughfare, and along the side of the road nearest the appeal site are ground floor retail units. The proposed hub would be positioned to one side of a wide pavement, nearest to the carriageway edge, it 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, contact for emergency services, a range of other digital services particular to the vicinity, along with internally illuminated digital advertising.
9. There is already existing street furniture along this section of pavement, including street lighting columns, street trees, a telephone kiosk, cycle stands, a standalone digital advertisement display, and a bus shelter also having an integrated digital advertisement display. The street furniture is also mostly located to the side of the pavement, nearest to the carriageway. I also saw on my site inspection that this part of Cricklewood Broadway contains a row of Plane Trees to either side of the road, these trees, and their canopies provide a verdant appearance, which positively contributes to the character and appearance of this immediate area.
10. The Council say the nearest tree is 4.8 metres from the proposed hub, and it is said to have a trunk diameter of approximately 0.5 metres. As a result, the Council say the proposed hub would be within its root protection area, and that a Tree Survey in accordance with BS 5837: Trees in relation to design, demolition and construction (2012) and an Arboricultural Impact Assessment are required to assess the effects of the proposals on this tree.
11. No such survey or assessment has been provided, and it is noted that the appellant's submission states that the proposed hub requires excavations of between 0.2-0.4 metres in depth. I also have no indication of where any connecting services would be positioned under the pavement or in relation to the nearest tree. Based on the evidence before me, I do not have sufficient information to properly assess the impacts of the proposals upon the nearest tree. As it stands, I cannot be certain that the proposals would not be harmful to the root protection area of this tree and its long-term health. The loss of this tree would interrupt a characteristic pattern of trees along this part of Cricklewood Broadway, harming both the visual amenity of the area, and its character and appearance. The presence of the existing telephone kiosk, located on the opposite side of the proposed hub, and that it is said to have been in-situ for some 16 years or so, is

noted. However, it does not alter my findings in terms of this new proposal, and its associated ground disturbance works.

12. Although the proposed hub would add to the street furniture in this area, given the width of the pavement, and its proposed alignment with the other street furniture, it would appear legible and not unacceptably add to clutter in this area. Moreover, its limited scale, size, and its high quality functional appearance would blend in well alongside other nearby structures, and it would not appear obtrusive when seen against the nearest ground floor retail units or harm the sense of openness along this part of the road.
13. In view of the separation between the proposal and existing digital displays to either side, including the intervening street trees, the cumulative effect of them together would not lead to an unacceptable intensification of such displays, and they would satisfactorily assimilate into this busy urban location and not harm the area's character and appearance or visual amenity.
14. I therefore conclude that although I find that the design, scale and appearance of the proposals would have an acceptable effect on the area's character and appearance and visual amenity, due to the lack of information and likely harm to the nearest street tree, in terms of Appeal A the proposed development would be harmful to the character and appearance of the area, and in regard to Appeal B there would be harmful effects to the area's visual amenity. Although not determinative in relation to Appeal B, the proposals would also conflict with the relevant parts of Policy D8 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021 (LP) and Policies BD1, BG12 and DMP1 of the Brent Local Plan 2019-2041, adopted February 2022 (BLP), that seek to ensure proposals complement the locality, are of the highest urban design quality, ensures the public realm is well-designed, protects existing trees, and is accompanied by a tree survey. In addition, due to the likely harm to the nearest street tree, the proposals would not be consistent with Principle 2 of Brent's Supplementary Planning Document 1 – Brent Design Guide, dated November 2018, that requires proposals to respond to existing context, and respect character. Furthermore, and for the same reasons the proposal would not accord with paragraph 135 of the Framework, insofar as it seeks to ensure development adds to the overall quality of the area and is sympathetic to local character.
15. The Council referred to conflict with extract B1 of its Supplementary Planning Guidance 8 – Advertisements (Other than shops) dated 2004 (SPG8). Notwithstanding the harm identified above regarding the nearest tree, and in view of my other findings, the proposals would be consistent with SPG8 insofar as they seek to ensure that advertisements on street furniture make a positive contribution to the local environment.

Highway safety/public safety

16. I saw on my site inspection that Cricklewood Broadway has two-way traffic movements along it, and there was a controlled pedestrian crossing point to one side of the appeal site. It is acknowledged that one of the main purposes of the proposed hub is to draw attention to its advertising and that it is proposed to display static advertisements (which could be restricted by condition) and that this section of Cricklewood Broadway (said to be a London Distributor Road and a bus route) is quite a straight part of the road.

17. However, the existing kiosk (which does not have a digital display) is located immediately to one side of the proposed hub, along with the aforementioned street tree to its other side, these would both obstruct views of the proposed digital displays from their respective sides for approaching drivers. Although it is noted that the kiosk is within the red line for Appeal A, and its removal could be a condition in the event that appeal was to be allowed.
18. Nevertheless, the position of the tree on the opposite side, particularly given its significant width, would obstruct views of the proposed digital display for drivers travelling from the Brondesbury side on the nearest carriageway, as a result it would likely mean part of the digital display would be obscured, causing significant confusion for drivers and preventing a legible full view of the screen until very close to it. This could take drivers' attention away from the road and combined with the other digital displays to either side, add to the demands on drivers and create conditions prejudicial to highway and public safety. As a result, the siting and scale of the proposed hub would likely create conditions that are harmful to highway and public safety. Whilst the proposals would not cause unacceptable interference with nearby road signs, sight lines, or navigational lighting, this is a neutral factor.
19. The proposed hub would be some 0.5 metres or so, at its closest to the carriageway edge, thereby retaining a minimum pavement width of approximately 2.6 metres, (taking the lesser of the measurements provided and excluding the open area in front of the nearest retail unit said to be privately owned).
20. I observed that there were constant pedestrian movements along this side of the pavement in the early part of the afternoon, although based on my site observations I cannot be certain that they would amount to 600-1,200 pedestrian movements per hour as suggested by the Council. They also say that a 5.3-metre-wide pavement would be required for pedestrian safety, however, the existing pavement is already narrower than that, and the recently approved digital display hub to one side of the appeal site has resulted in a pavement width said to be even narrower than that which would be retained in this case. In view of this, and my site observations I was not persuaded that the Council's suggestion of a 5.3-metre-wide pavement would be reasonable in the context of the proposals.
21. I also observed on my site inspection that due to the position of the existing kiosk and other street furniture nearby, pedestrians mostly walked along the opposite side of the pavement to where the proposed hub would be located. As a result, its location would unlikely obstruct pedestrian desire lines along the pavement. Most people using the facilities offered by it would likely stand in front of it. Furthermore, and not including the area of private land to the side, the retained pavement width (for the 0.35 metre depth of the proposed hub) would likely provide adequate space for pedestrians to pass one another, including those with mobility issues and pushchairs, even in the event people were stood to its side. Its setback from the carriageway edge would also likely allow pedestrians the opportunity to safely cross the road when close to the proposed hub. Nor was I persuaded that its position would cause an unacceptable obstruction to cyclists. Therefore, its siting would not adversely affect pedestrian movements or active and sustainable travel movements along this part of the pavement.
22. I therefore conclude that although there would be no harmful effects identified in respect of pedestrian safety for both appeals, the proposals would nevertheless in

terms of Appeal A, be harmful to highway safety, and in terms of Appeal B be harmful to public safety. Although not determinative in relation to Appeal B, I also find that in respect of both appeals the proposals would conflict with the relevant parts of LP Policy D8 and BLP Policy DMP1, insofar as they require proposals to be safe, ensure the public realm is easy to understand, that there is no adverse effect on the movement network, and street safety is improved. In addition, the proposal would conflict with paragraph 117 of the Framework that requires development to create places that are safe and secure.

23. The Council referred to the proposals conflicting with LP Policy T2 and BLP Policy BT1, Policy T2 is mainly focussed on providing healthy streets, reducing the dominance of cars, and promoting travel by cycle and foot, and Policy BT1 is mainly concerned with sustainable travel. In view of my findings above, I did not identify any conflict with these policies on this main issue. The Council also referred to the proposals conflicting with the Pedestrian Comfort Guidance for London, Guidance Document, Mayor of London, Transport for London, dated 2010 (PCG), which is a strategic document with an objective of creating excellent pedestrian environments across London. However, in view of my findings above, I find that the proposal would be consistent with the objective of the PCG.

Other Matters

24. The Council has referred to several refused planning applications and advertisement consents, and associated appeals that were dismissed said to be similar to this proposal. The appellant also referred to other approvals for their hub roll-out across London. However, I do not have precise details of any of those proposals, including site context details, to properly compare them to the appeal scheme, as such I attach only limited weight to them. Whether the Council's Highway team seek to resist such proposals in principle or not, my decision has been made based on the harm identified in my findings above.
25. In support of their appeals, the appellant has said that 2 no. telephone kiosks will be removed; the adjoining kiosk and a kiosk at the junction of Bathurst Gardens and Wrotesley Road (said to be about 3km away). The adjoining kiosk does not display any digital advertisements, and its removal would not offset the identified harms above, and the other kiosk is located outside of the application site, and there is no mechanism before me to secure its removal if the appeal were to be allowed. Whilst their removal could be of benefit to the visual amenity of the respective areas, for the above reasons, I attach very limited weight to these arguments.
26. The submitted measures to address anti-social behaviour, noise, and lighting are noted along with the site not being within a Conservation Area. I have been referred to several development plan policies and other guidance and policy, including the Framework and the Council's Digital Strategy, that is supportive in principle of the proposed hub and its associated functions. However, the development plan and the Framework must be read as a whole, and complying with part of it does not mean complying with it as a whole. In this case, the arguments put forward by the appellant in support of the proposal, even when taken collectively would not address the harms identified above.
27. It is acknowledged that the proposal would provide some public benefits, including free Wi-Fi, free phone calls to landlines, wayfinding, rapid connection to

emergency services and public messaging capabilities, including for vulnerable persons accessing support. However, the limited scale of the proposal, means the benefits are limited. Moreover, I am not persuaded that such services could not be provided in a less harmful form.

28. I note the comments that advertisements encourage economic growth, which would be a benefit to the proposal, but limited evidence has been submitted to quantify such a benefit from this particular proposal. In any event such a benefit could be accrued by advertisements located nearby on the existing communication/display units. This argument does not alter the conclusions I have reached.
29. Finally, the suggested conditions would not address the identified harm above regarding the effect of the proposal on highway safety/public safety and character and appearance/visual amenity. Furthermore, it would not be appropriate to condition assessments regarding the nearest tree, without first knowing what the likely impact from the proposed hub's precise location would be on its root systems.

Conclusion

30. The proposals would be harmful to the character and appearance and visual amenity of the area, and to highway and public safety. The benefits of the proposal, including the points raised by the appellant do not outweigh this harm. Therefore, for the reasons given above, and having considered relevant development plan policies and all other material considerations, I conclude that Appeal A and Appeal B should be dismissed.

A Hunter

INSPECTOR