



Appeal Decision

Site visit made on 26 October 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2021

Appeal Ref: APP/M5450/W/21/3271918

Upon part of a grassed area, close to the junction of Shrewsbury Avenue and Kenton Road, Harrow HA3 0UL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Great British Communications Ltd against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4464/20, dated 8 December 2020, was refused by notice dated 29 January 2021.
 - The development proposed is a Prior approval telecommunications notification: Installation of 15m high monopole c/w wraparound cabinet; installation of two antennas, two dishes and 1 GPS module; installation of 3 x additional equipment cabinets.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a 15m high monopole c/w wraparound cabinet; installation of two antennas, two dishes and 1 GPS module; installation of 3 x additional equipment cabinets, upon part of a grassed area, close to the junction of Shrewsbury Avenue and Kenton Road, Harrow HA3 0UL in accordance with the terms of the application Ref P/4464/20, dated 8 December 2020, and the plans submitted with it, including drawings titled 002 Issue B, 215 Issue B, 265 Issue B, 304 Issue B and 307 Issue B, all labelled with the drawing no 'BRT12144_PLANNING_REV_B'.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 16, Class A, Part A.3 require the local planning authority to assess the proposed development on the basis of its siting and appearance, taking into account any representations received.
3. My determination of this appeal has been made on the same basis.

Planning Policy

4. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have therefore had regard to the policies of the development plan, any related guidance and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed mast upon the character and appearance of the area.

Reasons

6. The appeal site is a relatively large, open verge at the junction of Shrewsbury Avenue and Kenton Road. Kenton Road is a wide, straight road. The houses to the rear of the site are stepped back from those nearby, with their own small access road between them and the site, which serves to make the verge appear wider and the area around the site more open and spacious.
7. On and around the site there are existing cabinets, as well as other street furniture, including street-lights, signage and traffic lights. In addition, there are street trees of varying size and maturity. I note that the Council Highway Department did not object to the proposal on highway safety grounds.
8. The proposed mast would undoubtedly be relatively tall and would be visible along the road. However, given the existing character and appearance of the site and surrounding verge with street-lighting columns and traffic lights, all with an existing vertical emphasis, and the surrounding built development and trees, I do not consider that the proposal would be unduly prominent or visually obtrusive. I note the suggestion that the proposal would give rise to an unacceptably cluttered appearance.
9. However, the site and surroundings are, in my view already established as being host to various pieces of street furniture, and as such, I do not consider that the proposal would lead to an unacceptably cluttered appearance, or that the proposal would be so incongruent or visually intrusive as to be harmful or unacceptable.
10. In reaching this conclusion, I note the support in the National Planning Policy Framework (the Framework) for high quality communications, and that advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. I also note that policies and decisions should support the expansion of the communications network, and that the delivery of 5G infrastructure is specifically referenced. This type of infrastructure is an increasingly common and widespread element of street furniture, and as such, is no longer as unusual or jarringly different as it once was.
11. The Council has cited a number of development plan policies in their decision notice. Insofar as they relate to the siting and appearance of the proposal, I consider that the proposal accords with policies DM1 and DM49 which seek, amongst other things, to ensure that development of this type protects the character and amenity of an area.

Other Matters

12. Concerns have been raised about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
13. In its decision on the prior approval application, the Council cited, but did not provide, an appeal decision in which a previous Inspector apparently found that the benefits of a telecommunications proposal did not outweigh the harm that they had found in that instance. Whilst consistency in decision making is important, I do not find that the appeal, as reported, alters my conclusions, as I have not found that there is harm which must be outweighed by the benefits of the proposal before me.

Conditions

14. Any planning permission granted for the appeal proposal under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

15. The proposal is therefore acceptable on the basis of its siting and appearance, taking into account any representations received, and for the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

S Dean

INSPECTOR