



Appeal Decision

Site visit made on 25 October 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 December 2021

Appeal Ref: APP/T5150/W/21/3273422

**Bridgewater Road roundabout, junction with Harrow Road, Wembley
HA0 2HD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Hutchison 3G UK Ltd against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/0532, dated 11 February 2021, was refused by notice dated 8 April 2021.
 - The development proposed is a telecommunications installation: Proposed 18.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (hereafter "the GPDO"), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The provisions of the GPDO do not require regard be had to the development plan in this case. I have therefore had regard to the policies and related guidance of the development plan and the National Planning Policy Framework ("the Framework") only in so far as they are material considerations relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area, having particular regard to the effect upon trees within the Barham Park Site of Importance for Nature Conservation, and the overall visual impact of the scheme.

Reasons

5. The appeal site is an area of grass verge at the back of the footway, just to the south of a roundabout where Bridgewater Road (the A4005) and District Road join Harrow Road (the A404). The verge separates the busy A roads and

roundabout from an access road serving dwellings on Harrow Road to the east of the appeal site and Fernwood Avenue to the south. The surrounding area is urban and primarily residential in character, although the site lies within the Barham Park Site of Importance for Nature Conservation ("SINC"), the main body of which is to the north east across Harrow Road.

6. The site lies between a group of deciduous trees of varying maturity, which rise to a maximum height of around 14m, and a group of lower shrubs. The Council has described the trees as significant, although without explaining why. Nevertheless, while the trees did not appear to be especially remarkable in close-up views, they give the verge around the appeal site a pleasant appearance and, along with the trees and other planting on the roundabout they contribute to a greening and softening of the local environment. They help close some longer views in the area, particularly from the north along Harrow Road. I saw that they also help to visually connect areas of denser trees and planting within the core of Barham Park with the wider area, including the broad banked grass verge along Bridgewater Road south of the appeal site, which also has numerous mature trees and shrubs. All told, the trees make a valuable contribution to the character and appearance of the area.
7. I have been provided with limited information about the significance of the Barham Park SINC and the contribution the trees and shrubs adjacent to the appeal site make to it. I note the appellant's observation that "no consultees with a degree or expertise in the field of ecology [or] biodiversity contributed or objected", but this does not in itself demonstrate that no unacceptable harm or damage may arise from the proposal. From what I saw on my site visit, the appeal site's location between the main body of the park and other green corridors such as the Bridgewater Road verge and the London Underground line a short way to the south means that the adjoining trees may play a part in supporting physical connections which contribute to sustaining biodiversity in the area. Given this, as well as the trees' visual contribution to the area, I consider that it is reasonable to seek to protect them from avoidable harm and damage.
8. The submitted plans show that the centre of the proposed monopole would be around 9.8m from the centre of the nearest tree, and outside the area of its canopy. However, while the appellant suggests that it would therefore be outside any root protection area "by default", this is not necessarily so as it may be that one or more of the trees has an extensive root system. Furthermore, the various ancillary cabinets would be closer to the trees, where there would be a greater chance of damaging shallow roots. In the absence of a tree survey or similar, I cannot be confident that the equipment could be installed without causing significant harm to the trees' root systems. I consider that the risk of the installation damaging the adjacent trees has not been sufficiently explored, nor has any potential mitigation of risk been proposed.
9. The appellant has suggested that a condition requiring works to be carried out in accordance with British Standard BS 5837:2012 – *Trees in relation to design, demolition and construction* could be imposed. However, this is not an option for me as there is no provision to impose conditions under the relevant parts of the GPDO. In any event, even if it were possible to impose such a condition the siting of the installation would by then have been approved, and the potential to address any significant harm which a survey might identify would be limited.

10. Turning to wider matters of the scheme's visual impact, I note that the installation would be set in an area around 4.2m back from the rear edge of the footway. In my view the adjacent trees and shrubs would provide some screening when from east and west, although of course this would be reduced if the trees or shrubs were lost. The cabinets would be seen in short views from the Bridgewater Road roundabout and from the short residential access road part of Harrow Road south of the appeal site, while the mast would be seen in longer views from parts of the surrounding area. I do not think that it would be considered unusual to see telecommunications equipment alongside a busy suburban London road. The site is also in an area where there are already various other items of street furniture such as railings, bollards and lampposts. However, the proposed galvanised finish of the monopole would be stark when considered alongside the trees and the black-painted lampposts in the area, while the grey ancillary cabinets would stand out harshly against the surrounding trees, shrubs and grass. While the appellant has suggested that a condition in respect of colour schemes could be imposed, again this is not provided for by the GPDO. In any case, on its own such a modification would not overcome my concerns about the possible effect on the nearby trees.
11. The proposed installation is required to provide improvements in 5G network coverage and capacity in the area, and the appellant has stated that the search area was extremely constrained by the need to fill in coverage between existing cells – I have no reason to disagree. The appellant has drawn my attention to the “considerable positive benefits brought to the economy and community” from providing and enhancing electronic communication infrastructure, and to the support provided by Paragraph 112 of the Framework. I give considerable weight to the need to provide high quality communications infrastructure. However, the Framework also highlights the important contribution trees make to the character and quality of urban environments, and I note the emphasis it places at paragraph 131 on the retention of existing trees wherever possible. As I have already described, on the basis of the evidence before me I cannot be satisfied that would be the case here.
12. The appellant argues that the proposed siting represents the “only viable option” for a new installation, but the information before me in this respect in both the Site-Specific Supplementary Information document and appeal statement is limited. Three sites were excluded either because of lack of free space (D1 and D2) or for being too far from the nominal location (D5). The other three sites were discounted either for being “more visually intrusive” (D3) or “too exposed” (D4 and D6). There is insufficient detail about the actual proposed alternatives – including precisely where equipment would be sited – for me to compare them, and any harm which may arise, with the appeal proposal. Even allowing for the small search area, I cannot be certain that there are not less visually harmful alternatives available.
13. While I therefore recognise the potential benefits of the scheme, based on the information before me I cannot be satisfied that they could be provided without causing significant harm to, or the possible loss of, trees which make an important contribution to the surrounding area. The potential benefits would not outweigh this harm, and under the provisions of the GPDO it is not possible for me either to impose conditions or require the submission of further information which might resolve this matter.

14. Accordingly, I find that the siting and appearance of the proposed installation would have a significant harmful effect on the character and appearance of the area, including trees within the Barham Park SINC. Prior approval is required, and should be refused.

Other Matter

15. The appellants state that the cabinets which would accompany the monopole are permitted development which would not require prior approval, and should not be considered as part of the appeal proposal. However, for the reasons given above I consider that the installation of the cabinets would be likely to cause or exacerbate harm to the nearby trees, while I am not persuaded that there is a greater than theoretical possibility of them being installed on their own without the main monopole mast. My conclusion in respect of the appeal proposal remains unaltered by this consideration.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

M Cryan

Inspector