

Appeal Decision

Site visit made on 6 December 2021

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2021

Appeal Ref: APP/T5150/W/21/3272141

Area of grass verge, Mount Drive, Wembley, London HA9 9EA

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Hutchison 3G (UK) Limited against the decision of London Borough of Brent.
 - The application Ref 20/4157, dated 16 December 2020, was refused by notice dated 8 February 2021.
 - The development proposed is the proposed erection of a 15 metre high Phase 8 telecommunications pole with built-in cabinet, 3no. separate cabinets and ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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 principle of development is established by the GPDO 2015 which does not require regard to be given to the development plan. I have had regard to the policies of the development plan 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 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 and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

5. The appeal site forms a small area of landscaped grass containing trees and shrubs which sits in a prominent position at the junction of Mount Drive and the A4088. The A4088 is a busy road and whilst there are trees within the vicinity, the area has a distinctly urban quality. The grassed area includes a lamp post, cabinet and signage. However, the natural aesthetics of the grassed

- area, shrubs and trees and its prominence, combine to make a particularly positive contribution to this part of the street scene. As such, despite its small size, there is a degree of sensitivity to the appeal site.
6. The proposed installation would be positioned forward of the existing tree facing onto the A4088 and the pole would be notably taller than the tree and lamppost. As such, whilst the vegetation would offer some screening to the lower portions of the installation from some views, it would nonetheless, at this prominent junction, be highly visible in both directions along the A4088 and from Mount Drive. As such, it would not be located in what could reasonably be considered a discreet location.
 7. Although the siting would avoid impeding pedestrian flow this would not overcome the loss of the local open character resulting from the proposal. As such, it would not be well sited.
 8. The variation in the width of the mast, with its wrap around cabinet at the base and equipment positioned at the top of a monopole would result in a dominant appearance, which would draw the eye of passers-by. Despite the colour treatment proposed, it would be a visually intrusive feature detracting from the visual amenity value of this parcel of land.
 9. Telecommunication installations are common features in urban environments. However, in such a location, it would be a very prominent addition in the street scene and, in combination with the ancillary works, would cumulatively erode the positive natural qualities of the grassed area and, as a result, significantly harms the character and appearance of the area.
 10. I have been provided with details of the sequential approach to site selection, including other street locations considered and discounted. However, the Framework states, at paragraph 117, that supporting evidence for a new mast or base station should include *'evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure'*.
 11. The evidence indicates that, due to the locality comprising of mainly low-rise residential housing, a free-standing pole was considered the most appropriate location. One building appears to have been considered and discounted which already contains telecommunication equipment. Moreover, although it is explained that this would be too low to provide coverage, I do not have firm technical details as to what the implications of this positioning would be for the network coverage. Even if that building was not technically feasible, there is no substantive evidence before me of a rigorous assessment of other alternative buildings being considered and discounted.
 12. To this extent, I do not find the search and assessment of alternative sites to be sufficiently robust. As such, I am not satisfied that the harm I have identified is outweighed by the need for the installation to be sited as proposed.
 13. The government is committed to supporting the deployment of next-generation mobile infrastructure. This is generally reflected in both the Framework and the London Plan (2021). In this regard, whilst I acknowledge the references made to various social and economic benefits, these have not been taken into account in considering the matters of siting and appearance.

14. I have no reason to question the appellants evidence regarding the need for improvements in the area, pre-application engagement or accordance with the International Commission on NonIonizing Radiation Protection standards. Moreover, no other harms have been identified from the siting and appearance of the proposal.
15. I have been referred to an appeal (ref: 3254830), however from the evidence before me the issues relating to that appeal included excessive clutter on the footway, disrupting pedestrians. This contrasts with the main issues before me. In any case I have considered the appeal proposal based on its own merits.

Conclusion

16. For the reasons given above the appeal is dismissed.

Mr R Walker

INSPECTOR