



Appeal Decision

Site visit made on 7 January 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th January 2022

Appeal Ref: APP/T5150/W/21/3272195

**Area of grass verge at the junction of Stag Lane and Mollison Way,
Colindale, London HA8 5LP**

- 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 (as amended).
 - The appeal is made by Great British Communications Ltd against the decision of London Borough of Brent.
 - The application Ref 20/4105, dated 11 December 2020, was refused by notice dated 4 February 2021.
 - The development proposed is 5G telecoms installation comprising a 15m high street pole, wraparound Cabinet at base, 3no additional equipment cabinets and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Order 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.

Planning Policy

3. The principle of development is established by the Order, and the provisions therein do not require regard be had to the development plan. I have had regard to the policies of the development plan, any related guidance and the National Planning Policy Framework (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 development on the character and appearance of the area.

Reasons

5. The appeal site is located on a grass highway verge close to the junction of Mollison Way and Stag Lane. The surrounding area is made up of predominantly residential properties. The highway verge in the vicinity of the appeal site accommodates a line of street-lighting columns that are 9m in

height. There is also a prominent street tree located in the grass verge close to the appeal site that is around 11m in height. Due to its overall scale, prominence, and what appeared to be general good health, the tree is of significant amenity value in the street-scene.

6. Although the proposed installation would be sited away from the canopy of the tree, there is no substantive evidence that the equipment can be installed without causing harm to the tree and its rooting zone. I can therefore not be certain that the siting of the equipment would not cause harm to the tree that I have identified as being of significant amenity value, despite it not being subject to a Tree Preservation Order or being within a Conservation Area.
7. The Council have expressed concerns in relation to the proposed siting of the equipment in the grass verge and thereby detracting from the greenery and visual softness of the area, including its open character. They also consider it would appear visually obtrusive. Although I agree that the grass verge provides a pleasant degree of spaciousness and greenery to the area, the installation of the equipment would only impact upon a small section. It would be seen in conjunction with the existing street-lighting columns that are also located within the verge.
8. The Council state that there is no objection to the height of the monopole, and I have no reason to form a different view. The equipment would nevertheless be quite conspicuous. It would, however, be set amongst the built environment and other street furniture, in an urban area. The existing landscaping around the appeal site would also provide a degree of screening, with the appellants suggested green colour scheme contributing to soften the impact. Therefore, notwithstanding the inability to conclude in relation to the impact on the tree, I consider that the minor visual impact of the installation would be clearly outweighed by the benefit of providing an enhanced telecommunications network, its contribution to economic growth and the operational and locational needs of the operator.
9. Nevertheless, when considering the development as a whole, as I cannot be certain that there would not be harm caused to a tree of significant amenity value, I am unable to conclude that the siting of the equipment would not have an unacceptable impact on the character and appearance of the area.

Planning Balance and Conclusion

10. I do not consider that the public benefits of the installation in terms of an enhanced telecommunications network, its contribution to economic growth, the operational and locational needs of the operators, outweigh the harm that I have identified to the character and appearance of the area.
11. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR