



Appeal Decision

Site visit made on 1 February 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2022

Appeal Ref: APP/N5090/W/21/3276994

Queen's Road, Hendon Central, London Borough of Barnet NW4 2TL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and 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 Hutchison UK Ltd against the decision of the London Borough of Barnet.
 - The application Ref 21/2162/PNT, dated 10 April 2021, was refused by notice dated 27 May 2021.
 - The development proposed is 15m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
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Decision

1. The appeal is allowed and approval is granted under the provision 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 Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works at Queen's Road, Hendon Central, London Borough of Barnet NW4 2TL in accordance with the terms of the application Ref 21/2162/PNT, dated 10 April 2021, and the plans submitted with it including 002 Site Location Plan Issue B; 100 Existing Site Plan Issue B; 150 Existing Elevation A issue B; 210 Proposed H3G Site Plan Issue B; 260 Proposed H3G Elevation Issue B; 303 Proposed H3G Antenna Schedule and Line Configuration Issue B; 305 Equipment Schedule and Support Structure Details Issue B and 310 Antenna Headframe and Support Structure Plan Issue B.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (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 principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.
4. The revised National Planning Policy Framework (the Framework) has been published since the appeal was submitted. My decision is made in the context

of the revised Framework. I am satisfied that no interested party has been prejudiced by my approach as no revisions have been made to the contents of the chapter relating to high quality communications.

Main Issue

5. The main issue is the effect of the proposed development upon the pedestrian environment.

Reasons

6. The appeal site is an area of pavement on Queens Road, running along one side of Hendon Park, near to an entrance into the park and cafe. Queens Road leads to a nearby local centre with retail and commercial services and facilities. The local centre and park means that there is high footfall along the road.
7. The mast and the cabinets would be positioned close to the back of the pavement resulting in the reduction of the width of the pavement. I acknowledge that Queens Road is a well-used pedestrian route. However, I am satisfied that the proposed development would not reduce the pavement to such an extent that it would result in an inconvenience or obstruction for pedestrians including groups or those with reduced mobility.
8. In my view the proposed development would not present an obstruction to pedestrian movement or adversely affect pedestrian safety. Furthermore, given the width of the pavement and the multiple entrance points into the park queues into it are unlikely to form as a result of the proposal.
9. The Council contend that the cabinets with the doors open would obstruct the pavement. I acknowledge that visits to the apparatus from engineers for maintenance would occur. However, these are likely to be infrequent and would not result in a significant impediment of the pavement. With the doors closed the pavement width would exceed minimum recommendations set out in the Transport for London 'Streetscape Guidance' Fourth Edition 2019 Revision document.
10. Whilst there are current requirements for social distancing resulting from the pandemic, these are temporary measures. The resultant width of the pavement would still provide sufficient space to adhere to social distancing in this location.
11. As such, I find that the proposed development would not adversely affect pedestrian movement or safety.

Other Matters

12. The Council has referred to refused applications for similar developments in the immediate area. However, I have not been provided with any information regarding them. In any event it is incumbent upon me to assess the merits of the proposal before me, as I have done. These decisions do not lead me to reach a different conclusion on the main matter.

Conditions

13. Any planning permission granted for the development 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.

14. Despite the conditions suggested by the Council, it is not necessary to impose conditions beyond those specified in the GPDO.

Conclusion

15. For the reasons set out above, the appeal is allowed and prior approval is granted.

B Thandi

INSPECTOR