



Appeal Decision

Site visit made on 23 February 2022

by Cullum J A Parker BA(Hons) PgCert MA MRTPI MCMI IHBC

an Inspector appointed by the Secretary of State

Decision date: 25 February 2022

Appeal Ref: APP/N5090/W/21/3280860

Regents Park Road, Finchley, Barnet, London N3 3HN

- 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 Ms Hannah Gibson on behalf of Hutchison 3G (UK) Limited against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/2071/PNT, dated 12 April 2021, was refused by notice dated 24 May 2021.
 - The development proposed is described as '*Proposed 5G telecoms installation: 15m high 'slim line' Phase 8 H3G street pole c/w wrap around cabinet and 3no. cabinets with ancillary works– to be coloured green*'.
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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 *Proposed 5G telecoms installation: 15m high 'slim line' Phase 8 H3G street pole c/w wrap around cabinet and 3no. cabinets with ancillary works– to be coloured green* at land at Regents Park Road, Finchley, Barnet, London, N3 3HN in accordance with the terms of the application Ref 21/2071/PNT dated 12 April 2021.

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.

Planning Policy

3. Part 16 of the Order establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
4. Nevertheless, Policy CS5 of the *LB Barnet Core Strategy DPD 2012* and Policies DM01, DM06 and DM18 of the *Development Management Policies DPD 2012* are material considerations as they relate to issues of siting and appearance.

Similarly, the National Planning Policy Framework is also a material consideration and this includes sections on supporting high quality communications and conserving and enhancing the historic environment.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed installation in terms of preserving or enhancing the character or appearance of the conservation area.

Reasons

6. The appeal site is located on the western side of Regents Park Road, at the junction with Gravel Hill and East End Road. The site is also located at the edge but within the designated Finchley Church End Conservation Area. The adopted Finchley Church End Conservation Area Character Appraisal indicates that *'Regents Park Road is urban and noisy in character with the bustle of traffic, offices and shops.'*
7. The street scene is characterised by a mixture of two to five storey high buildings, with the brick-built Church of St Philip the Apostle located to the rear of the appeal site. I saw from my site inspection that this part of the conservation area and surrounding area is a typical urban area with common street furniture paraphernalia including street lighting, road signs, bus stops, traffic lights and safety barriers. These are all elements which cumulatively contribute to the significance of the designated heritage asset.
8. The proposal would be taller than the majority of other street furniture structures in the area as can be seen on drawing BNT12065_PLANNING_REV_B - though viewed against the backdrop of existing tall trees at the adjacent church. Nonetheless, telecommunication structures are common features in built up areas and the proposal, whilst being visible, would not necessarily be highly noticeable as it would blend in with similar structures such as street lighting found locally.
9. Moreover, Regent Park Road is recognised as having a busy character with its 'bustle of traffic, offices and shops'. The introduction of a telecoms installation would not be out of character within such a setting. Whilst the proposal would be visible due to its siting, height and bulk, it would not appear as an intrusive feature that adversely compromises the street scene. As such it would preserve the character and appearance of the conservation area.
10. The siting and appearance of proposal would not have a harmful effect. The proposal would be in accordance with Policy CS5 of the *LB Barnet Core Strategy DPD 2012* and Policies DM01, DM06 and DM18 of the *Development Management Policies DPD 2012* and the National Planning Policy Framework (the Framework) which seek that proposals for telecommunications to have no significant adverse effect on the external appearance of the space in which they are located.

Conditions

11. The Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with

the application, begin within 5 years of the date of the approval and 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

12. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

C Parker

INSPECTOR