



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: 10 March 2022

Appeal Ref: APP/N5090/W/21/3280889

North Circular Road/Bridge Lane, Brent Cross, London NW11 9LL

- 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 CK Hutchison Networks (UK) Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 21/2791/PNT, dated 19 May 2021, was refused by notice dated 9 July 2021.
 - The development proposed is described as *'Proposed 5G telecoms installation: 20m high 'slim line' Phase 8 H3G street pole c/w wrap around cabinet and 3no. cabinets with ancillary works– to be coloured grey'*.
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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: 20m high 'slim line' Phase 8 H3G street pole c/w wrap around cabinet and 3no. cabinets with ancillary works– to be coloured grey at land at North Circular Road/Bridge Lane, Brent Cross, London NW11 9LL in accordance with the terms of the application Ref 21/2791/PNT dated 19 May 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, Policies DM01 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.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed installation.

Reasons

6. The appeal site is located on a grass verge along the eastern side of the North Circular road, at the Junction of North Circular Road and Courtleigh Gardens and Bridge Lane. The site is adjacent to residential properties at Courtleigh Gardens and Bridge Lane comprising mostly detached and semi-detached dwellings, rising uphill from the site. Blocks of flats lie to the south and west of the site. The surrounding area is a typical urban area with common street furniture paraphernalia including street lighting, road signs, safety barriers, and ANPR style cameras.
7. The proposal would be taller than the majority of structures and buildings in the area, as can be seen on drawing BNT12068_PLANNING_REV_A. However, telecommunication structures are common features in built up areas; especially near to busy and highly trafficked roads such as the North Circular Road. The proposal, whilst being visible, would not necessarily be highly noticeable as it would, with its vertical emphasis, blend in with similar structures such as street lighting. Furthermore, its placement next to one of the main artery routes in London would not look out of place. Due to its siting, height and bulk, it would not appear as an intrusive feature that adversely compromises the street scene and surrounding buildings within this context.
8. The proposal would not have a harmful effect in terms of its siting or appearance. The proposal would be in accordance with Policies DM01 and DM18 of the *Development Management Policies DPD 2012* and the National Planning Policy Framework (the Framework) which seeks proposals for telecommunications to have no significant adverse effect on the external appearance of the space in which they are located.

Other Matters

9. I have had regard to concerns raised from local residents about potential effects on health and health treatments. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
10. I note the concerns raised in respect of some local residents who have had a deterioration in their TV signal. However, this issue appears to predate this proposal. Moreover, the improvement of coverage and internet connectivity that could arise from the installation of the telecoms equipment, in an area where there is a shortfall, has the potential to open up more opportunities for local residents to connect to TV, radio and other services provided over this medium.

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