



Appeal Decision

Site visit made on 12 April 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

Appeal Ref: APP/T5150/W/21/3284546

Land rear of 231 All Souls Avenue, Willesden Green, London, NW10 3AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by 'Cornerstone' against the decision of London Borough of Brent.
 - The application Ref 21/1729, dated 11 May 2021, was refused by notice dated 1 September 2021.
 - The development proposed is the temporary retention (12 months until 30 June 2022) of 23.5m high temporary mast with antenna headframe above (top height 23.5m) and associated ancillary development to rear of 229 All Souls Avenue, NW10.
-

Decision

1. The appeal is allowed and planning permission is granted for the temporary retention of a 23.5m high mast with antenna headframe above and associated ancillary development, at Land rear of 231 All Souls Avenue, London, NW10 3AE in accordance with the terms of the application Ref 21/1729, dated 11 May 2021, and the plans submitted with it, subject to the following condition:
 - 1) The development/use hereby permitted shall be for a limited period until 30 June 2022. The mast and associated structures/equipment hereby permitted shall be removed and the land restored to its former condition on or before the 30 June 2022 in accordance with a scheme of works that shall first have been submitted to and approved in writing by the Local Planning Authority.

Preliminary Matters

2. Since the determination of the planning application there has been the adoption of the London Borough of Brent adopted Local Plan 2019-41 on 24 February 2022. The Council has provided an update with regards the most relevant policies, which was forwarded to the appellant for comment.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The mast is positioned to the rear of some three storey buildings which front All Souls Avenue, but the mast is primarily seen within the setting of Chamberlayne Road. The street scene is primarily residential with mostly two storey houses.

5. The mast is already in place, having been given temporary permission until June 2021. The appellant explains that the mast is needed for a further temporary period until June 2022 to provide telecoms services to the area whilst the permanent telecoms/mast is being set up at Willesden Sports Centre. There is approval for this installation at the Sports Centre, but for certain reasons there has been a delay.
6. The mast at Chamberlayne Road is particularly tall and positioned near to the road. The base equipment is well screened, but the mast is prominent due to its height in an area of predominantly two storey houses. The mast appears significantly taller than most other features and buildings in the street near to the site, and therefore more of a dominant feature. Being of such a utilitarian appearance and such an overly prominent feature it would be harmful to the otherwise residential character of the street scene. I also note that such a tall feature would be a particularly unattractive structure when viewed from some of the windows in nearby residential properties, some of which are close to the mast.
7. The proposal is therefore contrary to policy DMP1 of the Brent Local Plan 2019-41, which requires that development complements the locality of its siting, amongst other things. The proposal also conflicts with some of the aims of Section 12 of the National Planning Policy Framework (the Framework) which is based around the formation of well-designed and attractive places.
8. Although there would be harm to the character and appearance of the area whilst the mast remained in place, the appellant has applied for this to be until the end of June 2022, which at the time of writing is just a few months away. After this time, it is possible that the permanent telecoms installation at the Sports Centre would be in place. As such, the harm to the character and appearance of the street scene would be for a short period of time only, then the mast should be removed when the temporary consent has expired.
9. Furthermore, to remove the mast before this time could result in a period where the local area would lose some telecommunications services, which would likely have significant adverse impacts to the local population and also local businesses. Indeed, the Framework at paragraph 114 states that "Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being".
10. As such, whilst there is conflict with the development plan policy DMP1 with regards the harm to the character and appearance of the streetscene, this is mitigated by the fact that it could be conditioned to be removed after only a short period of time (to the date applied for). The harm limited to just this short period of time, coupled with the benefits of continued telecommunication provision for the area, until the permanent alternative is in place, means that there are material considerations that indicate a decision other than in accordance with the development plan. This would be subject to a condition limiting the temporary permission for the mast and associated equipment to June 2022.

Other Matters

11. Whilst the mast is visible from nearby residential properties, given its location, massing and distance to neighbouring windows, I do not consider that it has a significantly adverse overbearing effect on views from nearby residential

properties or harm to outlook. I note the issues such as wind noise caused by the antenna and also interference matters, but these issues do not warrant dismissal of the appeal for the temporary mast.

12. Some local residents have raised concerns about the health implications of telecommunications equipment. However, Paragraph 118 of the Framework states that local planning authorities should not set health safeguards different from the International Commission guidelines for public exposure to non-ionising radiation. Confirmation that the proposal would meet these guidelines was provided in this case and there are therefore no health reasons for rejecting the scheme.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed, subject to the conditions set out above.

Mr S Rennie

INSPECTOR