



Appeal Decision

Site visit made on 7 February 2023

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2023

Appeal Ref: APP/T5150/W/22/3291328

Birse Crescent, Willesden, London NW10 1SJ

- 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, A.3(4) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by MBNL, EE Ltd and H3G (UK) Ltd against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/3034, dated 6 August 2021, was refused by notice dated 30 September 2021.
 - The development proposed is the installation of a 20m high monopole, with wraparound cabinet, supporting 12no. antenna apertures & 2no. 600mm transmission dishes; plus the installation of 6no. ground-based equipment cabinets; and ancillary development thereto.
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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 the installation of a 20m high monopole, with wraparound cabinet, supporting 12no. antenna apertures & 2no. 600mm transmission dishes; plus the installation of 6no. ground-based equipment cabinets; and ancillary development thereto at land at Birse Crescent, Willesden, London, NW10 1SJ in accordance with the terms of the application Ref 21/3034, dated 6 August 2021, and the plans submitted with it including 002 Site Location Plan (drawing no. 1575375_BRT172_79849_NW0080_M001) (Issue: A), 215 Max Configuration Site Plan (drawing no. 1575375_BRT172_79849_NW0080_M001) (Issue: A), 265 Max Configuration Elevation (drawing no. 1575375_BRT172_79849_NW0080_M001) (Issue: A).

Preliminary 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 provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have had regard to the policies of the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area and on the living conditions of nearby residential occupiers with particular regard to outlook.

Reasons

Character and Appearance

5. The appeal site consists of a sloping grass verge which stretches along the side elevation of 8 Birse Crescent (No 8). The proposed 20 metre high monopole would be set-back from the nearby corner of Birse Crescent and would be positioned to the side of properties on Birse Crescent and to the rear of properties on Neasden Lane, meaning that it would not occupy a particularly prominent position in the street scene.
6. Although it would be a tall structure with an antenna and attached equipment, situated in an elevated position, from nearby viewpoints it would be seen in combination with the 2-storey semi-detached properties along Birse Crescent, the trees situated close to it along the verge, and the items of street furniture with a vertical emphasis in the vicinity, which includes numerous tall street lights around the A4088. Accordingly, whilst it would be relatively taller than the adjacent 2-storey properties and the topography of the wider area is varied, I consider that the proposal would acceptably assimilate into the street scene when seen from both nearby and longer-range views.
7. I therefore find that the siting and appearance of the proposed installation would have an acceptable effect on the character and appearance of the area. Whilst not determinative, I have had regard to chapter 12 of the Framework. To the extent that they are relevant considerations within the terms of the GPDO, the proposal would comply paragraph 130 c) of the Framework which provides that, amongst other things, planning decisions should ensure that developments are sympathetic to local character.

Living Conditions

8. The proposed monopole and associated equipment would be sited on a grass verge, to the side of the gardens to No 8 and 6 Birse Crescent.
9. The proposed monopole and equipment would be situated close to the garden boundary of No 8 but as the primary outlook from the rear windows of No 8 and adjacent properties on Birse Crescent would be directly to the rear of those properties, the proposal would only be seen in oblique views from those properties.
10. Moreover, views of the equipment would be mostly shielded by the presence of the building and the side wall along the boundary to No 8, meaning that any views of the proposal from the rear windows and gardens of nearby properties would be largely limited to the upper portion of the proposed monopole, which is a predominantly slimline structure with limited bulk and massing.
11. Given this, and taking account of the overall height of the structure, the visible portion of which would be seen in the context of several mature trees along Birse Crescent, the proposal would not appear as an overly dominant or

overbearing structure in views from the windows and rear gardens of nearby properties.

12. I therefore find that the siting and appearance of the proposed installation would have an acceptable effect on the living conditions of nearby residential occupiers with particular regard to outlook. Whilst not determinative, I have had regard to chapter 12 of the Framework. To the extent that they are relevant considerations within the terms of the GPDO, the proposal would comply paragraph 130 f) of the Framework which provides that, amongst other things, planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

13. It is common ground that the proposal would not affect the setting or significance of The Grange, a Grade II listed building. I have no evidence before me that points to a different conclusion.

Conditions

14. 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

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

Alexander O'Doherty

INSPECTOR