



Appeal Decision

Site visit made on 15 June 2023

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2023

Appeal Ref: APP/T5150/W/22/3309804

A406 North Circular Road, Harlesdon, London NW10 0NX

- 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 London Borough of Brent.
 - The application Ref 22/2040, dated 28 May 2022, was refused by notice dated 28 July 2022.
 - The development proposed is a 15.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.
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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 a 15.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works at A406 North Circular Road, Harlesdon, London NW10 0NX dated 28 May 2022 and the plans submitted with it including 002 Site Location Plan; 100 Existing Site Plan; 150 Existing Elevation A; 210 Proposed Site Plan; 260 Proposed Elevation.

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 Council, in the first reason for refusal, refer to a failure by the appellant to serve the requisite notice on all of the owners of the land, namely Transport for London (TfL). The appellant has indicated that TfL were notified of the proposal. Thus, with particular regard to this appeal, I am of the view that TfL have not been prejudiced by the procedural omission and have been given the opportunity to comment accordingly. I have dealt with the appeal on this basis.

Main Issue

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

Reasons

5. The appeal site comprises a section of pavement located on the A406 North Circular Road – a major thoroughfare in North London. This side of the road is characterised by commercial and retail uses including a McDonalds drive-thru and an IKEA store. Whilst my site visit only provided a snapshot of the highway conditions, it is a busy road with frequent pedestrian flows along it.
6. The mast and cabinets would be positioned close to the back of the pavement resulting in the reduction of the width of the pavement. I acknowledge that this part of the A406 is a well-used pedestrian route. However, I am satisfied that the proposed development would not reduce the pavement width to such an extent that it would result in an inconvenience or obstruction for pedestrians including groups, those pushing a baby buggy or those with reduced mobility.
7. As such, the proposed development would not present an obstruction to pedestrian movement or adversely affect pedestrian safety.

Conditions

8. 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. As such it is not necessary to impose conditions beyond those.

Conclusion

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

B Thandi

INSPECTOR