



Appeal Decision

Site visit made on 13 September 2023

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2023

Appeal Ref: APP/T5150/W/23/3314700

241 Stag Lane, Brent, London NW9 0EF

- 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 Cornerstone against the decision of the Council of the London Borough of Brent.
 - The application Ref 22/1836, dated 19 May 2022, was refused by notice dated 13 July 2022.
 - The development proposed is described as the "installation of a 17.9m high ground-based mast supporting 6No. antennas and 2No. dishes, 6No. equipment cabinets at ground-level and ancillary works thereto."
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Decision

1. The appeal is dismissed.

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.
3. The description in the banner heading above has been taken from the original planning application form. The appellant, within their appeal statement, highlight an error with the description, and state 4 dishes are proposed, which are correctly shown on drawing no. 301 Rev F. The appellant did not seek to amend the description of development prior to the Council considering the proposal or advertising it to third parties and have used it within their appeal questionnaire. Moreover, the Council within their delegated report and decision notice make reference to 2 dishes, not 4, and furthermore the delegated report states the proposal is for a lattice tower, whereas neither the description of development, or submitted plans, refer to such. Given the above, I have considered the appeal based on the description of development in the original planning application.
4. The Council have referred to paragraph 113 of the National Planning Policy Framework (the Framework) 2018. Since the determination of this application, the Government published a revised Framework on 5 September 2023, replacing the version published on 20 July 2021. While acknowledging paragraph 113 of the 2018 version of the Framework is now paragraph 115 within the 2023 version, those parts of the Framework most relevant to this

appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

Planning Policy

5. As the appeal relates to a prior approval for telecommunications development, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, Policy DMP1 of the London Borough of Brent Local Plan Development Management Policies November 2016 (LP) is a material consideration as it relates to issues of siting and appearance. In particular, it seeks to ensure development is of a location, siting and scale that complements the locality. Similarly, the Framework is also a material consideration, and this includes a section on supporting high quality communications.

Main Issue

6. The main issues are:
 - the effect of the siting and appearance of the proposed installation on the character and appearance of the area, and
 - if any harm would occur, whether this is outweighed by the need for the installation to be sited in the location proposed taking into account any suitable alternatives.

Reasons

Character and appearance

7. The appeal site is located within an area of land used for car parking associated with Brent Sikh Centre. It is located on a main road, within an area of mixed character, including residential properties and adjacent industrial area. Building heights along Stag Lane are relatively low, with two storey residential properties and relatively low height industrial units. Vertical structures in this area predominately comprise lampposts, telegraph poles and signage at or below the height of the nearby buildings. There are tall trees along Stag Lane and surrounding the appeal site. The relatively low building heights, street furniture and trees contribute to the character and appearance of the area.
8. The proposed development includes a new shared electronic communications base station and mast. The mast would support 6 antennas and 2 dishes, located at the uppermost section of the mast. While the location of the proposed development, set back away from the highway, would provide some mitigation and the existing trees would provide some coverage, the mast would be significantly higher than surrounding buildings and taller than the lampposts and signage. Moreover, due to the location of the antennas and dishes, it would be these more prominent elements of the scheme that would be most visible above the canopies of the surrounding trees, as evidenced by the proposed elevational drawing and photomontages.
9. Although noting the appellant's assertion that any impact would be confined to a local area, it would be prominent from a number of vantage points along Stag Lane and nearby Princes Avenue. While acknowledging the antennas need to

be projected above surrounding 'clutter', such as existing buildings and trees, and 5G antennas are more susceptible to the shadowing effect of surrounding clutter, the proposed development would result in an incongruously tall and prominent feature, that would contrast markedly with the relatively low building heights, lampposts, signage and trees in the locality. It would therefore detract significantly from the character of the area.

10. While the proposed development would be finished a green colour in order to assimilate with the trees, the bulkier section of the mast, incorporating the antennas and dishes, would be visible above the tree canopy. As such, the proposed colour would do little to minimise its visual impact.
11. I acknowledge that the base equipment would be less visible, due to its height and location away from the highway. Furthermore, the proposed boundary fencing would adequately screen the equipment. These positive factors do not outweigh the harm, as a result of the overall height and prominence of the proposal.
12. I understand that the scale and amount of equipment is the least necessary for operational efficiency and the development proposed is an alternative design to that considered under a previously refused application¹. I also note that little can be done to disguise and camouflage the scheme, having regard to the operational requirements. Nevertheless, the height, combined with the bulk of the antennas and dishes at the uppermost section of the mast, would be at odds with the prevailing character of the area.
13. For these reasons, I conclude the siting and appearance of the proposed installation would have an unacceptably harmful effect on the character and appearance of the area. Insofar as they are a material consideration, the proposal would also be contrary to the aims of DMP Policy DMP1 and the Framework.

Alternative sites

14. The proposal is required to provide new 5G coverage to this area of Brent, thereby allowing ultra-fast mobile connectivity, and it would also improve the provision of 2G, 3G and 4G services in the area. The infrastructure would host the radio equipment of two licensed mobile network operators. This joint approach, providing multiple technologies, would help meet the objective in paragraph 115 of the Framework, which seeks, among other things, to keep the number of masts to a minimum, consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion.
15. I have been provided with evidence relating to coverage plots, which illustrate the achievable indoor and outdoor coverage levels from the appeal site. These show the scheme would deliver improvements across the communication networks highlighted, and I have no reason to doubt the improvements indicated. Nevertheless, given the harm I have found to the character and appearance of the area, other options that might be available are an important consideration. Paragraph 117 of the Framework requires, for a new mast, that evidence is provided that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.

¹ Previously refused application reference 19/3658

16. Other locations have been considered by the appellant, which I understand have been informed by the need to infill a specific gap in coverage and by equipment specifications. I understand that the siting of a base station is critical, as they only cover a limited geographical area. Furthermore, the appellant has highlighted that there are only two options available to support the required structure, a lattice-style mast or a monopole mast. Both of which, I am advised, require a large base area, which cannot easily be accommodated within pavement limits.
17. The appellant provides a number of reasons for rejecting these other sites. These include a resulting coverage gap to the south, the need for additional masts, close proximity to a neighbouring cell, insufficient space, roof heights too low, lightweight and prefabricated roof designs which could not support the equipment and highway safety.
18. However, the evidence before me does not illustrate the coverage that could be achieved and what additional mast or masts would be required, and where, to cover any such gap. The appellant has indicated a theoretical proposal of two separate single user streetworks monopoles in the area, but limited substantive evidence has been submitted demonstrating why this option is not viable. Furthermore, while the Framework seeks to ensure such proposals should be kept to a minimum, I have no substantive evidence before me that demonstrates two streetworks monopoles would result in greater harm than scheme before me.
19. In addition, while the appellant contends proximity to a neighbouring cell may cause interference, limited substantive evidence has been provided demonstrating this and its extent. Overall, the reasons given for discounting other sites are brief and unsupported by sufficient detailed evidence to demonstrate why they would not be viable.
20. Therefore, in the absence of clear and persuasive evidence as to why alternative sites have been discounted, I cannot establish whether more suitable sites might reasonably be available. Consequently, I am not satisfied, based on the evidence before me, that suitable alternatives have been comprehensively explored, nor that the requirements of paragraph 117 of the Framework have been fully met.

Other Matters

21. I have considered the various appeal decisions submitted by the appellant. I do not have full details of these cases, including the particular circumstances or locational context of the sites highlighted. In some instances, the evidence before me suggests the circumstances were different. For example, in one case² the mast had a slim profile and would be finished in a light grey colour. In another³, the development comprised telecoms upgrade, and an existing mast was in situ at the site. In two cases⁴, the Inspector found the character and appearance of the area would not be adversely affected by the development proposed. In five further cases⁵, the Inspector was satisfied there were no suitable alternative site, whereas I am not. Consequently, on the

² Appeal reference APP/K2610/W/21/3280694

³ Appeal reference APP/P4605/W/19/3241791

⁴ Appeal references APP/B5480/W/20/3251086 and APP/C3430/W/22/3291191

⁵ Appeal references APP/D5120/W/15/3033745, APP/L1765/W/18/3197522, APP/J4423/W/20/3256458, APP/R5510/W/21/3269903 and APP/Z5060/W/21/3279350

evidence before me, the appeals drawn to my attention are not directly comparable. In any case, I have determined this appeal on its own merits.

22. There are social, economic, educational and health benefits associated with the delivery of improved electronic communications systems and networks and, I understand, increasing demand for such communications services, particularly since the Covid-19 pandemic. The appellant has highlighted a number of reports demonstrating such benefits, including the Ofcom report "Online Nation 2020". As set out in the Framework, advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Nevertheless, while acknowledging these benefits exist, the provisions of the GPDO 2015 are clear, and I am only able to consider the matters of siting and appearance.
23. The Council have not raised concerns with the effect of the proposal on the living conditions of neighbouring residents within the reason for refusal. Based on the evidence before me, particularly the distance between the proposed development and neighbouring properties, and intervening development and vegetation, I see no reason to disagree. However, an absence of harm in this regard carries neutral weight in favour of the proposal.

Conclusion

24. The siting and appearance of the proposed installation would have a significantly harmful effect on the character and appearance of the surrounding area and would not be appropriately screened. Given suitable alternatives have not been properly explored, this harm is not outweighed by the need for the installation to be sited as proposed. As such, I find the siting and appearance of the proposed development to be unacceptable.
25. I therefore conclude that the appeal should be dismissed.

S Pearce

INSPECTOR