

Appeal Decision

Site visit made on 18 October 2016

by Jameson Bridgwater PGDipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 November 2016

Appeal Ref: APP/N5090/W/16/3151347

Highways Land, Falloden Way, London NW11 6QT

- 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 Telefonica UK Limited against the decision of the London Borough of Barnet.
 - The application Ref 15/06163/FUL, dated 1 October 2015, was refused by notice dated 3 December 2015.
 - The development proposed is described as 'The installation of a 15m street works pole supporting 3no antennas and 2no 300mm dishes, 4no ground based cabinets and development ancillary thereto'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Hampstead Garden Suburb Conservation Area (CA).

Reasons

3. The Hampstead Garden Suburb CA is a planned garden suburb dating from 1906 that is characterised by houses designed to harmonise with each other and often grouped around greens, squares, walks and closes. The built form utilises high quality building materials and traditional craftsmanship, exhibiting architectural features such as large or elaborate chimneys, dormer windows and bays. The external appearance is defined by a restrained use of materials including red, purple and brown stock brick; roughcast, sometimes unpainted, otherwise white or cream; handmade red clay plain tiles. The public realm is expressed by rich planting and landscape, retaining original trees and landscape features with hedged boundaries rather than walls and fences.
 4. It therefore rests with me as the decision maker to apply the intended protection for heritage assets as specified in section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
 5. The appeal site occupies a prominent position on the landscaped and tree lined highway verge of Falloden Way, a key and busy route through the CA. This planned landscape creates a verdant setting in which to appreciate the architecture and historic setting of the CA.
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6. I have carefully considered the appellant's representations in relation to the proposal including the computer generated images of the proposal in situ and the overall siting rationale, including the analysis of alternative sites. Moreover, I have viewed the site from a number of vantage points on and around the site and noted the arrangement of the existing street lighting columns and highway signage. However, the introduction of the proposed 15m high street works pole with its associated infrastructure would result in a development that would be incongruous in the street scene, particularly due to the size and diameter of the 15m street pole when compared to the existing smaller and slimmer street lighting columns and minimal highway signage. Furthermore, the introduction of ground based cabinets in a highly prominent position would result in visual clutter to the detriment of the public realm on a key transport route through the CA. These cumulative effects would result in a change in the character of the immediate area, introducing infrastructure that would be alien to the planned and verdant character of the area. In reaching this conclusion I have given careful consideration to the potential to paint the equipment green or another colour, however, in this site specific circumstance this would not overcome the harm that I have identified.
7. Consequently the siting and design of the proposed 15m street works pole and associated ground based cabinets would fail to preserve the character and appearance of the Hampstead Garden Suburb CA. Therefore, when considered in the context of the Hampstead Garden Suburb CA as a whole, the degree of harm to its character and appearance would be less than substantial. I recognise there would be some benefits from the proposal; an improvement to the communications infrastructure in the area, as well as economic benefit of employment during construction. However, having found harm to the heritage assets, I must give that harm considerable importance and weight. In balancing the harm against the wider public benefits, therefore, the harm is not outweighed.
8. Having come to the conclusions above, it follows that the proposal would fail to preserve the character or appearance of the Hampstead Garden Suburb CA, The proposal would therefore be in conflict with Policies CS1 and CS5 of the Barnet Core Strategy DPD and Policies DM01, DM06 and DM18 of the Barnet Development Management Policies DPD. These seek amongst other things to ensure that development respects and complements the characteristics of the site and its surroundings; and that the special character and appearance of all heritage assets are preserved.

Other considerations

9. Interested persons have raised concerns with regard to the perceived health implications of the proposed installation. However, the appellant confirmed that installation would be fully ICNIRP compliant as part of their planning application, this is consistent with the requirements of the National Planning Policy Framework. Additionally, local residents have raised issues in relation to highway safety. However as I am dismissing the appeal for other reasons, the decision does not turn on this matter.
10. The appellant within their statement has referred me to a number of previous telecommunications infrastructure appeal decisions (Stafford, Kingston Upon Hull and Bexley) and cites these as setting a precedent for their proposal. However, I have limited information about their histories, but inevitably their

contexts would differ to that of the scheme before me, and so they do not lead me to a different view in this case.

Conclusion

11. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jameson Bridgwater

INSPECTOR