
Appeal Decision

Site visit made on 8 November 2016

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 2 December 2016

Appeal Ref: APP/N5090/W/16/3155672
Pursley Road, Mill Hill, London NW7 2BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by H3G and EE Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/1727/PNT, dated 4 February 2016, was refused by notice dated 10 May 2016.
 - The development proposed is replacement of 13.7m phase 1 monopole with a 15m slimline Alpha monopole and 1 no. additional equipment cabinet.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposal on the character and appearance of the area with particular regard to a protected tree and, in the event that any harm is identified, whether the harm would be outweighed by the need for the installation.

Reasons

3. The existing monopole mast and cabinets are located to the south of Pursley Road. The area has a residential character to the north with an open area of playing fields to the south. The playing fields are located within the Green Belt, although this does not include the appeal site. The immediate area around the appeal site includes a bus shelter, bus stop sign, telegraph pole, existing equipment cabinets and street lights. The playing field boundary to the south consists of coated metal railings with a higher mesh fence projecting above. The immediate area has a moderately cluttered appearance, although the view is softened to a degree by the adjacent trees. It was apparent at my site visit that Pursley Road is well used by vehicular traffic as well as pedestrians accessing the nearby bus stop.
 4. The proposed monopole would be located to the north of a tree which is one of a group covered by the Pursley Road Boundary of Chase Lodge Playing Field Tree Preservation Order (TPO). This group of trees make an important contribution to the character of the area and the street scene, including a softening effect in views of the relatively harsh boundary treatment of the playing fields and nearby street furniture. Furthermore, the trees provide
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visual interest in views from Pursley Road against the relatively featureless backdrop of the playing fields.

5. The submitted plans indicate that the tree and the spread of its canopy are some distance to the south of the monopole. However, it was apparent on my site visit that the monopole would be located in very close proximity to the trunk of the tree. Works to create the footing for the monopole would therefore be likely to affect the roots of the tree and the monopole itself would project into the canopy of the tree with potential impact on tree branches. The Council has expressed concern that such works are likely to affect the health of the tree. Furthermore, any cable routes associated with the monopole and the equipment cabin would also be likely to affect the roots of the tree.
6. The appellant has queried the age and the contribution of the tree to the appearance of the area. However, it was apparent at my site visit that the tree is well established and, for the reasons stated above, I consider that the tree makes a valuable contribution to the street scene and that the loss of this tree would harm the character and appearance of the area. The appellant has also stated that they would be happy to protect the tree during the construction phase and that the limited foundations for the monopole would not impact on the tree's root system. However, no substantive evidence has been provided to me to demonstrate the form and effectiveness of the proposed construction measures to protect the tree.
7. I consider that the concerns expressed by the Council in relation to the potential impacts of the proposal on the health of the tree are valid. No evidence has been presented to me to demonstrate otherwise.
8. The replacement mast would be located in relatively close proximity to the west of the existing monopole. The replacement would be taller and of a greater diameter than the existing mast and would therefore be more noticeable. However, in the street scape described previously, it would not appear unduly prominent or incongruous. In these circumstances, it is my view that the replacement monopole would not, in itself, harm the character and appearance of the area. Furthermore, although the mast would be visible from within the Green Belt to the south of the site the proposal would not harm the openness of the Green Belt.
9. The monopole would also be shielded to an extent in views by the adjacent protected tree although it would project above the tree canopy. However, for the reasons stated previously, I am concerned about the impact that the proposal may have on the health and therefore the retention of this tree.
10. The additional cabinet would be of a modest size and would be viewed against the boundary fence of the playing fields and in close proximity to the existing cabinets and proposed monopole. In my view it would not therefore materially add to clutter in views of the site and would not be unduly prominent or incongruous within the street scene or in views from the Green Belt.
11. Paragraph 42 of the Framework states that advanced, high quality communications infrastructure is essential for sustainable economic growth. The proposal would improve 2G and 3G coverage in the area and would introduce 4G technology to the site. Furthermore, the site is currently shared by two operators and the proposal would continue this. The Council have not questioned the need for this additional coverage and I am also satisfied that

the improved coverage and provision of 4G technology are benefits arising from the proposal. However, these benefits do not outweigh the harm that I have identified in relation to the protected tree.

Conclusion

12. Notwithstanding my comments in relation to the effect on the street scene, I conclude that the proposal would be likely to result in harm to the health and retention of a protected tree and in turn would harm the character and appearance of the area. I am mindful of the benefits arising from the proposal, including an increase in coverage as well as the introduction of new 4G technology. However, these benefits do not outweigh the harm that I have identified. The proposal would therefore conflict with Policies DM01, DM15 and DM18 of the Council's Development Management Policies 2012 which seek to protect the character and amenity of the area.
13. For the reasons given above, and having regard to all other matters raised, it is considered that the appeal should be dismissed.

David Cross

INSPECTOR