



Appeal Decision

Site visit made on 7 November 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 28 November 2017

Appeal Ref: APP/N5090/W/17/3180939 Hale Lane, Mill Hill, London HA8 9RZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Telefonica (UK) Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 17/2159/PNT, dated 31 March 2017, was refused by notice dated 26 May 2017.
 - The development proposed is the installation of 12.5m high monopole supporting 6no antennas, 2 dishes; and installation of 1 radio equipment cabinet and development works ancillary thereto.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 16 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of the installation of 12.5m high monopole supporting 6no antennas, 2 dishes; and installation of 1 radio equipment cabinet and development works ancillary thereto at land at Hale Lane, Mill Hill, London HA8 9RZ in accordance with the terms of the application Ref 17/2159/PNT, dated 31 March 2017, and the plans submitted with it.

Procedural Matter

2. In the banner heading above, I have used a modified version of the description of development which appears on the Council's Decision Notice as this more comprehensively captures the scope of the proposal than the description given in the application form¹.

Background and Main Issue

3. Within certain limits the permission is granted for development of telecommunications equipment under the terms of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). However, this is subject to a prior approval procedure, and this appeal follows the Council's refusal of such approval. The GPDO establishes that the relevant issues to consider in the assessment of proposals of this type are their siting and appearance. Consequently, I consider the main

¹ Which is "12.5m slimline monopole (BS12 B25-Sage Green)"

issue in this appeal to be the effect of the proposed development's siting and appearance on the character and appearance of the streetscene.

Reasons

4. Located adjacent to a wide junction, governed by two roundabouts, the appeal site is on the footway close to a public house, in a broadly commercial location, although with residential uses present in some upper floors. The appeal scheme would site the development as described above, to the back of the footway, close to the boundary with the public house to the rear.
5. Whilst due to the width of the highway and the gently sloping topography in the appeal site's environs the proposed development would be clearly visible it would be so in a context of a considerable amount of vertical signage and other street structures, including lamp-posts, Belisha beacons, traffic signs, and tall signs associated with the adjacent public house and petrol station. Although the proposed monopole would be taller than these elements, and wider than adjacent street-lighting columns, due to the character of its immediate context, it nevertheless would not read as a visually intrusive or incongruous feature
6. The proposed monopole would be slightly taller than the roof ridge of the adjacent public house, and would be considerably taller than the canopy of the nearby petrol station. However, due to its separation from these structures, its limited massing, and the openness of the space around the road junctions, within which the proposed monopole would appear as one element of a much broader vista, it would not read as a dominant element of the streetscene, and would not undermine the appearance or development pattern of its surroundings to any material degree.
7. I note the Council's comments regarding a lack of camouflaging or screening for the proposed monopole. However, given its location on a footway such measures would be impractical in this instance, and unnecessary, given the proposed monopole's fit with the character of its immediate environs.
8. Accordingly, these considerations, taken together lead me to the conclusion that the siting and appearance of the proposed development would cause no material harm to the character and appearance of the streetscene. For these reasons, the proposed development would not conflict with Policies DM01 and DM18 of Barnet's Local Plan Development Management Policies (adopted September 2012). Taken together, and amongst other things, insofar as they are material to the consideration of this appeal, these policies seek to ensure that the development of telecommunications equipment should be based on an understanding of local characteristics, and avoid significant adverse effects to the spaces in which it is located.

Other Matters

9. The proposed development would be set back considerably from the pavement edge. It would also be sited a reasonable distance from the adjacent access to the petrol station and MOT garage. Taking these considerations together with the appeal site's orientation to that adjacent access, I consider that the proposed mast and cabinet would not unduly restrict the visibility of drivers accessing or exiting the petrol station and MOT garage. Moreover, I saw that the footway was of an adequate width in the vicinity of the appeal site to allow for safe and convenient use of this for pedestrians and other footway users.

Consequently, I consider that the siting of proposed development would cause no material harm to highway safety, and in arriving at this view I am mindful that the local highway authority made no objection to the siting of the proposed development in these terms.

10. I am mindful of comments regarding the proposed development's potential effects on the operation of the adjacent petrol station. Although the proposed monopole would obscure some views of the prices on the station's totem signage, it would do so only to a very limited degree, from a narrow field of view within a wide highway, where due to the presence of junctions and crossing points I observed traffic speeds to be moderate. As a consequence, I consider that this would not impede the ability of passing motorists to see the price information on the totem sign to any material degree.
11. The proposed monopole and cabinets would be located at a reasonable distance from the access to the petrol station. As a result, it has not been demonstrated that they would be within the 4.5m hazard zone around a petrol delivery tanker referred to in interested party comments. Neither given the distance of the proposed development from the access to the petrol station has it been established that it would impede manoeuvrability or visibility of tankers making deliveries there. I am aware of comments regarding potential effects on underground tanks, pipework and drainage related to the petrol station during the installation and maintenance of the appeal scheme; however, given the reasonable separation distance between the station and the appeal site, the likelihood of such incidents occurring has not been established.
12. I note assertions regarding possible ignition risks arising from the proposed development, and that this may deter customers from visiting the petrol station. However, beyond a reference to the British Standards document BS6656, which I have not been supplied with, no substantive evidence has been produced in relation to these matters or in respect of any specific risks which may arise from the proposed development. As a consequence, in the overall planning balance, these generalised concerns do not carry any material weight against the proposed development.
13. I am conscious of comments regarding the potential health effects of the proposed development. However, in these regards I am mindful of the National Planning Policy Framework (the Framework), which states at paragraph 46 that planning decision-takers "must determine applications on planning grounds. They should not seek to... determine health safeguards if the proposal meets the International Commission guidelines for public exposure." In this instance I have been supplied with a certificate of compliance with the guidelines laid down by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). This is evidence that the installation would meet the guidelines referred to in the Framework, and no substantiated evidence has been submitted that suggests that the ICNIRP guidelines would not be met. Consequently, it is not necessary for me to consider the health aspects of the proposed development any further.
14. Consequently, taken either individually or together, none of these other matters alters my conclusions in respect of the main issue given above.

Conclusion

15. The GPDO does not provide specific authority for me to attach conditions, and therefore I am unable to do so in this case. However, the GPDO attaches the following standard condition to development of this nature given in Schedule 2, Part 16 paragraph A.2:

- Development is permitted subject to the condition that any apparatus or structure provided in accordance with that permission is removed from the land, building or structure on which it is situated... as soon as reasonably practicable after it is no longer required for electronic communications purposes, and such land, building or structure is restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.

16. The siting and appearance of the proposed development would not cause harmful effects to the character and appearance of the streetscene. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR