
Appeal Decision

Site visit made on 15 May 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th May 2020

Appeal Ref: APP/N5090/W/20/3245093

O/S Tesco, Colney Hatch Lane, London N11 3NN

- 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 MBNL against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/3188/FUL, dated 3 June 2019, was refused by notice dated 30 July 2019.
 - The development proposed is described as 'the proposed development will include the removal and replacement of the existing 12.5m monopole, with a 20m monopole, 12 no. apertures, equipment cabinets, the removal of the existing 12.5m monopole, 3 no. antennas, redundant equipment cabinets and development ancillary thereto'.
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Decision

1. The appeal is allowed and planning permission is granted for development described as 'the removal and replacement of the existing 12.5m monopole, with a 20m monopole, 12 no. apertures, equipment cabinets, the removal of the existing 12.5m monopole, 3 no. antennas, redundant equipment cabinets and development ancillary thereto' at O/S Tesco, Colney Hatch Lane, London N11 3NN in accordance with the terms of the application ref 19/3188/FUL, dated 3 June 2019 subject to the conditions set out in the attached schedule.

Procedural Matters

2. The site address given on the application form was 'Colney Hatch Lane, London, London, Barnet, N11 3DG' but I have used the address stated on the Council's decision notice and entered on the appeal form in the banner heading above and my decision as this better describes the site's location.
3. The appellant submitted amended plans to the Council twice prior to the determination of the application. The amended plans were not given unique references, but it is clear from the information before me that the Council based their decision on those plans submitted on 18 June 2019. I have considered the appeal on the same basis.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is located on Colney Hatch Lane, close to the busy slip roads and junction that connect with the A406 dual carriageway. Near to the site, Colney Hatch Lane comprises a distributor road of dual carriageway width lined

by streetlights. Traffic signals, road signs, bus stops and commercial signage are additionally features in the street scene. There are three-storey blocks of flats opposite the appeal site, but these are set back from the road behind generous landscaping. To the west side of the street are commercial buildings with typically large footprints. These include a supermarket of considerable scale together with an extensive area of parking adjacent to the appeal site which is a dominant feature in the area. Overall, the character of the area around the appeal site is therefore notably influenced by the commercial-scale buildings and transport infrastructure.

6. The appeal site comprises part of the pavement close to bus stop 'CH' where there are currently 5 equipment cabinets and a telecommunications monopole along the back edge of the pavement. Between the appeal site and the parking of the adjacent supermarket is a sloping area of landscaping which includes a number of mature trees, some of which partly overhang the site.
7. The appeal proposes a new 20m tall shared monopole. This would replace the existing structure, although in a slightly different location. All but one of the existing equipment cabinets would be removed, and 9 new cabinets would be installed. The development is proposed to facilitate telecommunications coverage and meet capacity requirements, incorporating 5G technology.
8. The proposed monopole would be significantly taller than the existing monopole, and would be of greater height than any other building, structure or street furniture within the immediate vicinity. It would also be higher than the adjacent tree canopy and would undoubtedly be visible from the surrounding area, including from dwellings to the east of Colney Hatch Lane. However, the fact that the development would be visible is not in itself an indication of harm.
9. Though it would be tall, the proposed monopole would have a fairly slim profile. Nearby trees would partly screen the lower section in some views, particularly when close to the site, although this would not extend to the upper section. However, nearby streetlights as well as an existing monopole to the south side of the A406 can similarly be seen projecting above the tree canopy and there are many vertical structures present in the vicinity including the monopole to the south, streetlights, road and commercial signage. While I accept the projection of the monopole above the adjacent trees would be greater, it would not therefore be an exceptional or alien feature, lessening its prominence.
10. Moreover, it would be seen in the context of the nearby commercial buildings. While these are not of great height, against their overall proportions, the scale of the monopole and additional height would not be unduly dominant. Given the substantial separation, I am also satisfied that the monopole would not be overbearing when viewed from nearby dwellings. The proposed light grey colour would reflect the existing structure, and would in my view be the most appropriate approach with regard to available views of the development. For these reasons, I find that while the increase in scale of the proposed monopole would result in some visual impact, it would sit acceptably within the street scene and would not be an incongruous or visually intrusive feature.
11. The proposed ground level cabinets would in part replace existing cabinets, albeit not in the same locations. They would be positioned discreetly at the rear of the pavement and would be of similar or lesser height than the adjacent railings. As a consequence, while structures would be fairly numerous, the

development would not be unduly prominent or result in an overly cluttered appearance to the street scene.

12. The proposal would make use of an existing site and provide for sharing by 2 operators, helping to minimise the proliferation of equipment. I am also satisfied that the evidence demonstrates that the proposed monopole is the minimum height and girth capable of providing for the improved services in the area to support high quality communications, whilst also satisfying International Commission guidelines and allowing for sharing by operators. The appellant has also provided information on potential alternative sites which were considered, including the possibility of sharing facilities but that none were practical or feasible. I have no substantive evidence before me that the appellant has failed to take into account appropriate alternatives.
13. I therefore conclude that the proposal would not cause unacceptable harm to the character and appearance of the area, and I find no conflict with Policies DM01 or DM18 of Barnet's Local Plan Development Management Policies Development Plan Document 2012. These seek to protect Barnet's character and amenity, including through telecommunications development that does not result in significant adverse effects on the space in which it is located. I also find no conflict with the National Planning Policy Framework (the Framework) which recognises the importance of high quality and reliable communications infrastructure as being essential to economic growth and social wellbeing, and requires that new equipment is kept to a minimum and is sympathetically designed and camouflaged where appropriate.

Conditions

14. I have considered conditions suggested by the Council having regard to the tests set out at paragraph 55 of the Framework. Where necessary, I have amended them for the sake of clarity and precision.
15. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. A condition specifying the external finish of the development is necessary in the interests of the character and appearance of the area, and for similar reasons a condition to require protection for nearby trees is required prior to development taking place.
16. From the information before me, it is not clear whether the existing structures on the site were erected following a grant of planning permission or under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and I cannot be certain whether there would be a requirement to remove existing equipment which is no longer needed following development. A condition is therefore necessary to secure this in order to ensure a satisfactory appearance and I have received the agreement of the main parties to the wording of this.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans received by the Council on 18 June 2019 referenced 982613_BNT011_50642_N0135_M001 Issue A: 002 Site Location Plan, 100 Existing Site Plan, 150 Existing Elevation A, 215 Max Configuration Site Plan and 265 Max Configuration Elevation.
- 3) The materials to be used in the external surfaces of the proposed structures shall match those used in the existing structures on site.
- 4) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved tree protection plan and method statement. No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until the temporary tree protection shown on the approved tree protection plan has been erected around existing trees. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

- 5) The existing 12.5m high Hutchinson Type 5 monopole and associated cabinets and equipment to be removed as identified on Drawing Nos. 982613_BNT011_50642_N0135_M001 Issue A 215 Max Configuration Site Plan and Max Configuration Elevation received by the Council on 18 June 2019 shall be removed within 60 days of the proposed 20m high monopole having been erected.