



Appeal Decision

Site visit made on 18 February 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 May 2020

Appeal Ref: APP/V5570/W/19/3242175

Cornelia Street, London N7 8BA

- 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, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by EE Ltd. against the decision of the Council of the London Borough of Islington.
 - The application Ref P2019/2539/PRA, dated 15 August 2019, was refused by notice dated 15 October 2019.
 - The development proposed is the installation of 1no. 10m Hutchinson Engineering TP325 telegraph pole on a cantilevered root with 2no. shrouded antennas, 3no. equipment cabinets, 2no. dishes and ancillary development thereto.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) for the siting and appearance of 1no. 10m Hutchinson Engineering TP325 telegraph pole on a cantilevered root with 2no. shrouded antennas, 3no. equipment cabinets, 2no. dishes and ancillary development thereto at land at Cornelia Street, London N7 8BA in accordance with the terms of the application Ref P2019/2539/PRA, dated 15 August 2019, and the plans submitted with it.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (hereafter the GPDO), 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. An interested party expressed concern that the proposal would have a detrimental effect on access. This had not been addressed by either main party in their original submissions, and I therefore invited further comments from both on this matter. I have addressed the issue in my reasons below.

Planning Policy

4. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the

development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) which have been brought to my attention only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

5. The main issues are the effect of the proposal on:

- The character and appearance of the area; and
- Accessibility.

Reasons

Character and appearance

6. The appeal site is part of the pavement on the southern side of Cornelia Street, at a bend in that road adjacent to a railway footbridge connecting Cornelia Street and St Clements Street. The Clapham Junction to Stratford railway line is in a cutting immediately to the south of the site. The site is close to, although not within, the Barnsbury Conservation Area, the nearest boundary of which runs along the southern edge of the railway cutting, and around 50m from the nearest boundary of the St Mary Magdalene Conservation Area to the east.
7. The proposal is to install a 10m high mobile telegraph pole style communications mast (hereafter simply referred to as a pole) which would host two shrouded antennas and two dishes. It and three accompanying equipment cabinets would also be installed at the back of the pavement immediately adjacent to the brick wall of the railway cutting. The pole would be given a black finish, while the equipment cabinets would be a dark fir green colour.
8. The pole would be taller and thicker than the nearby street lighting columns, although it would not appear excessively bulky or top heavy due to its restricted width, the shrouding of the antennas and its resemblance to a telegraph pole. At 10m in height it would also not be an excessively tall feature, and in many longer views it would be seen at least in part against a backdrop of taller buildings. For much of the approach from the south along St Clements Street it would be set against the five storey Alderwick Court block of flats, from the north west along Cornelia Street it would be viewed partly against the four storey block at No 8 St Clements Street, and when approaching from the north it would be set against the three storey Aran Mews building on the south side of the railway line. Visibility towards the site from the Arundel Square bridge across the railway line is constrained by the high brick boundary wall on the western side of the road, and therefore views of the pole from there would be limited.
9. The area immediately surrounding the appeal site is open in character, in part because of the broad space in front of Alderwick Court, as well as the presence of the railway cutting. As a consequence, the pole would be particularly noticeable in some close-up views, especially close to the bend in Cornelia Street by St Clements Street. However, the pole would not be as tall as Alderwick Court, its nearest neighbouring building, and while it would be relatively prominent in its immediate surroundings it would not in my view be an unacceptably dominant feature in the area. While the installation would be

functional in appearance, the relatively modest dimensions and simple design of the pole, as well as the proposal to use discreet dark paint finishes for the pole and cabinets, mean that the development would not be harmfully intrusive or discordant in the context of its urban setting.

10. In reaching my decision I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Areas. As heritage assets are irreplaceable, the Framework states that they should be conserved in a manner appropriate to their significance (paragraph 184). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 194) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 196). Given the physical separation of the proposed development from the Conservation areas and my findings about the impact of the pole on longer views, I consider that the proposal would not have an adverse effect on the character or appearance of either of the Conservation Areas, and that the significance of both would be preserved. As I do not find that the proposal would cause harm to the heritage assets, it is not necessary to apply the public benefit test set out in paragraph 196 of the Framework.
11. The development would be a new telecommunications installation. The appellant's evidence indicates that the siting and height of the proposed apparatus has been driven by the specific requirement to provide mobile network coverage to the adjacent railway line, although it would also of course provide coverage to the wider surrounding area. Government policy, set out in chapter 10 of the Framework, supports the expansion of high-quality communications infrastructure and systems, as essential for sustainable economic growth and social well-being. The Framework also indicates that existing buildings and high structures should be favoured over the development of new mast sites.
12. The information submitted with the application indicates that there are no available existing masts which could be shared and which would provide the coverage into the required area. The appellant has also provided an assessment of other alternative sites for meeting the need for the coverage required. This concludes that other potential sites have been discounted for reasons including structural and technical unsuitability and lack of viable access to high rooftops. I note that the Council has not disputed the conclusions in respect of the lack of suitable alternative sites, nor has it suggested any other alternative sites itself. From the information before me it appears that the appeal proposal provides a reasonable balance between the operational requirements and the potential environmental impacts of the development.
13. I conclude that the siting and appearance of the proposed development would not be materially harmful to the character and appearance of the area. Insofar as they are a relevant material consideration, I also conclude that the proposal would be in accordance with Policies DM2.1 and DM2.7 of the 2013 Islington Development Management Policies, which among other things require good design and seek to ensure that telecommunications installations do not have a harmful effect on the character or appearance of the area.

Accessibility

14. The railway bridge connecting Cornelia Street and St Clements Street allows people to pass between the two streets, although it is used as privately-

managed car parking and is not part of the public highway. Because of the small steps running across junction between the two streets, only a narrow part of the route between the railway cutting wall and an existing lamppost offers level access at present. Furthermore, the arrangement of the parking spaces on the bridge means that the level access part of the route is already often likely to be obstructed by parked cars. It is therefore unlikely to be relied on as an access route by people using, for example, wide mobility devices.

15. The siting of an electrical cabinet as part of the proposed development would narrow this gap still further. However, for the reasons I have described, for much of the time it already cannot be relied upon to provide a convenient connection for all. There is a convenient alternative route available via Barnsbury Grove a short distance to the west. In any event, although I am not aware of any intention to do so, the landowner could erect a barrier at any time which would prevent the bridge being used as a through route. For these reasons, although the proposed location of the equipment cabinets would slightly reduce the width of the level access forming part of the route between the two streets, I conclude that the siting of the proposed development would not be materially harmful to accessibility.

Other matters

16. In addition to the matters addressed above, local residents have expressed concern regarding the health implications of the installation, having regard to the proximity of housing. The appellant has certified that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionising Radiation Protection (ICNIRP). In such circumstances the Framework indicates that there are no health reasons for rejecting the scheme.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed. No conditions are necessary as the GPDO imposes relevant conditions as standard.

M Cryan

Inspector