



Appeal Decision

Site visit made on 27 May 2020

by M Heron BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd June 2020

Appeal Ref: APP/N5090/W/20/3246521

Friern Barnet Lane, Friern Park, London N20 0XT

- 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 19/3481/FUL, dated 20 June 2019, was refused by notice dated 14 August 2019.
 - The development proposed is the removal and replacement of the existing 12.5m monopole, with a 20m monopole, 12no. apertures, 10 equipment cabinets, ancillary equipment and associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The proposed telecommunications equipment comprises, amongst other things, a monopole that would stand some 20m high and 10 equipment cabinets. This equipment would be positioned on the western side of Friern Barnet Lane, close to the entrance to Friary Park. The cabinets would be sited at the back edge of the pedestrian footway, next to a mature tree belt which would separate them from the adjacent park. The monopole would be positioned in front of the cabinets, on a strip of grass verge which runs next to the carriageway. The immediate area is verdant and suburban in character.
4. This proposal is required to upgrade the coverage and capacity provided by existing telecommunications equipment which is located a short distance away from the site of the proposed equipment. The scheme would re-use this existing base station, but the majority of the telecommunications equipment, including a 12.5m monopole and most associated cabinets, would be removed.
5. The proposed monopole would be relatively slim and unfussy and would be the minimum height required for the upgrade. Nevertheless, it would be taller than adjacent trees and any other item of nearby street furniture. In addition, it would be set forward compared to the existing monopole, close to the carriageway. Consequently, the monopole would be visually prominent when travelling in either direction along Friern Barnet Lane and upon entering and exiting the adjacent park. It would also be visible to a degree from within the park itself and would be particularly apparent in the winter months when trees are not in leaf. The monopole would therefore appear as a conspicuous, intrusive and unduly dominant

- feature that would detract from the pleasant verdant character of this side of the street.
6. The number of proposed cabinets would be the minimum capable of supporting the required technologies for the two operators that would share the equipment. They would also be similar in size to the existing cabinets. Nonetheless, cumulatively, they would add a considerable amount of street furniture to this part of the footway. Although this would not hinder pedestrian movements, it would increase the visual 'clutter' within the street and reinforce the harmful impact of the proposed equipment as a whole.
 7. Whilst the scheme would not increase the number of base stations in the area or adversely affect the health of nearby trees, it would fail to integrate effectively with the character and appearance of the area. Its harmful impact would be clearly apparent from the public domain. Such harm would not be sufficiently diminished through the use of an appropriate colour for the equipment which could be secured conditionally. Neither would it be diminished as a result of the scheme's compliance with International Commission guidelines for public exposure to non-ionising radiation.
 8. The appellant has provided some evidence to show that it has explored other options at nearby sites. This includes existing masts and tall buildings. However, the evidence provided in this regard is limited. In this case, I therefore cannot be certain that an alternative site does not exist to address the Council's concerns. Consequently, I am not satisfied that the operational and locational needs of the operators justifies and outweighs the significant harm I have identified to this particular location.
 9. I also acknowledge that some elements of this proposal, in isolation, could meet certain requirements of the permitted development regulations. However, this scheme has not been submitted under such regulations. This therefore does not alter my findings.
 10. For the reasons given, the proposal would significantly harm the character and appearance of the area. It would therefore conflict with Policies DM01 and DM18 of Barnet's Local Plan (Development Management Policies) Development Plan Document. Amongst other things, these seek to ensure that all developments preserve or enhance local character and that telecommunications equipment is appropriately designed to take into account its setting.
 11. Turning to the National Planning Policy Framework (the Framework), this seeks to secure advanced, high quality and reliable communications infrastructure to support economic growth. However, this should not be at the expense of high quality schemes that are sympathetic to local character. I have found that this proposal would not achieve this. There would therefore also be conflict with the design objectives of the Framework.

Conclusion

12. The proposal would conflict with the development plan and there are no material considerations, including the advice of the Framework, which outweigh this conflict. I therefore conclude that the appeal should be dismissed.

M Heron

INSPECTOR