



Appeal Decision

Site visit made on 31 August 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2020

Appeal Ref: APP/Y5420/W/20/3253283

Footpath of Albert Road, Junction of Durnsford Road, London N11 2EL

- 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 Telefonica (UK) Limited against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2019/2970, dated 17 October 2019, was refused by notice dated 4 December 2019.
 - The development proposed is Installation of 1no. 12.5m monopole accommodating 3no. antennas with 2no. equipment cabinets, 1no. meter cabinet and ancillary works thereto.
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Decision

1. The appeal is dismissed.

Procedural and Preliminary Matters

2. The appeal address is described as Footpath of Albert Road, junction of Dunsford Road within the Council's application form. The road name is more accurately, Durnsford Road.
3. For the avoidance of doubt, the appeal site is confirmed by the Council as not located on Metropolitan Open Land (MOL).

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area and whether or not it would impede pedestrian safety.

Reasons

5. The appeal follows a decision by the Council not to give their approval for the siting or external appearance of a development that would otherwise be permitted under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO) (as amended). The permission granted under the GPDO is, with consideration of the proposed development, only limited to its siting and appearance, not the principle of the development.
6. The operators Telefonica and Vodafone explains within their Statement of Case they have formed a strategic partnership to share infrastructure assets. They state that there is a technical need for the infrastructure as it would provide

the necessary coverage once an existing base station is decommissioned at Visual Packaging Ltd. The appellant's explain that the proposed design solution would fulfil their technical needs at the required monopole height of 12.5m high to disperse the signal to meet the operator's coverage. Alongside 5G technology, the infrastructure would accommodate 2G, 3G and 4G technology.

7. A number of Government statements to support and drive towards advanced digital connectivity has been referenced by the appellant and the need to support digital technologies and their growth. Furthermore, the National Planning Policy Framework also recognises the importance of the telecommunications industry.
8. The deployment of advanced 5G technology, the public, social and economic benefits of mobile connectivity, its part in the role of the emergency services responses, the implications of Covid-19 and greater demands imposed on the digital and technology industry, is obvious to me. I accept the significance of the telecommunication industry and am mindful of these intentions and the advantages of the telecommunications industry in my assessment of the development.

Character and Appearance

9. The appeal site is broadly speaking a triangular piece of landscaped land that is dissected by pedestrian footpaths. Mature trees are planted within it and it provides a pleasant area of open space beside the residential dwellings located on both Albert Road and Durnsford Road. The equipment would be positioned at the back of the footway in a corner of the site facing Durnsford Road.
10. There are streetlamps of approximately 9.5m high flanking the main road. Despite the finished colour of the monopole, it would appear higher than the streetlamps with a wider girth, and higher than other street furniture present in close range along this stretch of road. Whilst there would be trees located in the background, it would also be higher. The general area is open in nature and this location is more exposed given the area on the other side of the road is a large expanse of recreational land thus having the consequential effect of emphasising the development.
11. Whilst the appellant has brought to my attention another appeal decision¹ whereby the context of that mast was considered to be acceptable, the telecommunications monopole before me, in this location would not be seen in the context of, or relate to other street furniture. In this location it would appear as a prominent, discordant and visually intrusive feature.
12. Up to 15 alternative sites have been investigated and discounted within a specific search area by the appellant. They state that there are no existing installations that can be utilized, site and access constraints and technical issues, and the prominence of other potential locations including impact on a Conservation Area and Listed Building, are all discounting reasons.
13. I am mindful of other Inspector's appeal decisions² brought to my attention by the appellant. In their considerations, they gave specific regard to the other discounted sites; the location was the most suitable in terms of operational

¹ Appeal Ref APP/Y3425/A/11/3003427

² Appeal Reference APP/F2360/W/16/3148901, APP/K2610/W/17/3176890, APP/M4320/W/17/3176041, APP/D5120/W/15/3033745, APP/R5510/W15/3133767, SPPA2202017

needs; the genuine need for the infrastructure outweighs harmful impacts; there has been a lack of better alternative sites; recognition of the various barriers encountered by the operators.

14. Whilst this may be the case for these other appeal decisions, as part of my own balancing exercise, I must consider the circumstances before me. I am also aware that a number of alternative sites may be located within Metropolitan Open Land, but that is not to say that permission for telecommunications infrastructure on this specific land would not be supported by the Council. This has not been demonstrated by the appellant, or the impact of telecommunication infrastructures on designated heritage assets. The lack of evidence presented with this appeal does not weigh in favour of the development.

Pedestrian flow

15. The footway where the proposal would be located is approximately 2.7m wide. However, the stone curb on the outside of the flagstones at the edge running parallel with Durnsford Road has the effect of reducing the width of the footway. Although the equipment may reduce the width of the footway to approximately 1.9m wide, the presence of the uneven stone curb has the consequential effect of reducing the safe width of the footway. The practical and useable footway width of approximately 1.5m would remain.
16. Durnsford Road connects to Bounds Green where a mainline underground station is located, a railway station, local school, and other general amenities. During my time of inspection, the 30mph road was well trafficked. Given its connections with the wider area and its facilities, I would argue that this is a general representation of the condition of the road the majority of the time.
17. The immediate area is residential in nature. There is an entrance into the recreation ground opposite the site and the area was observed to be enjoyed by families, dog walkers and for general recreation. A bus shelter with frequent, late night and differing travel services is located on the same side as the proposal, and I observed passengers accessing and egressing buses from this stop. The footfall was frequent along this part of Durnsford Road and Albert Road to the bus stop, the recreation grounds and to the residential houses, as well as through the landscaped appeal site area during my visit.
18. The presence of telecommunications equipment in this location would reduce the width of the footway to a level where there would be a genuine threat of the width becoming narrow at this point therefore displacing pedestrians, wheelchair users or walkers with pushchairs onto the roadway in order to navigate past one another.
19. I have taken account of the advice contained within Manual for Streets for footway widths, as well as London's Streetscape Guidance, brought to my attention by the appellant. However, this, and the fact that there may be other telecommunications infrastructures located along footways, including an example cited by the appellant at Dagmar Road where the footway is 1.5m wide, should not be used as a means to negate assessing the particular circumstances of each proposal on the ground, as is my duty to undertake.
20. Furthermore, this site cannot be realistically compared to a site in Scotland where the main road was identified by the Reporter as being quiet and the

speed limit was 20mph. Furthermore, the limited information provided on the circumstances surrounding another appeal decision³ cited by the appellant with no supporting documents, cannot be directly compared to this appeal before me.

21. The proposed equipment cabinets would be positioned at the back of the pavement and their doors may be able to open onto the grassed land. Nonetheless, I am of the view that the impediment of the footway that would occur as a consequence of the proposal, would be harmful to pedestrian safety.
22. Bringing all matters together, the proposal would not comply with the Haringey Development Management Development Plan Document 2017 Policy DM1 to deliver high quality of design and for development to relate positively to their locality. Furthermore, it would be contrary to Policy SP11 of the Haringey's Local Plan Strategic Policies 2013-2026 (2013) in its design aims to respect local context and character.

Other Matters

23. I have been made aware by the appellant that another site in close quarters to the appeal site has deemed consent for a 15m high monopole. The appeal site before me is described by the appellant as 'a preferable location' and would satisfy their technical requirements. Whilst this other site can be utilised, they are of the view that the appeal site would be a better alternative as a lower monopole apparatus would be required, it would therefore have a lesser visual effect on the street scene and its relationship with the Albert Road Recreation Ground that is MOL. However as is my duty, I have assessed the proposal before me and the harm I have identified does not lead me to a favourable conclusion.
24. The site is not private land and cannot benefit from increased permitted development rights.
25. The appellant comments they have compromised with the monopole height to be the minimum to technically meet their needs. Whilst this, and the fact it would be a shared facility is a welcome solution, it does not persuade me otherwise.
26. I appreciate the negotiations that have occurred between the appellant and the Council. Although the Council may not have suggested alternative sites for the appellant to consider, as the determining authority, the Council would realistically not have the informed technical knowledge of an operator to suggest alternative sites.
27. The appellant is of the view that the proposal accords with Policies DM3 and DM54 of the Council's development plan. Although policy DM3 refers to public realm and telecommunications, as explained earlier, I have found that the proposal would have a harmful effect on the character and appearance of the street scene. Policy DM54 relates specifically to telecommunications development. The Council policy supports telecommunications development, but this does not negate the need to assess the proposal beyond this one policy.

³ Appeal Ref APP/L1765/W/18/3197522

28. I have had regard to the letters of representation received to the proposal and the appellant's responses to these. However, most areas have been covered earlier within the decision letter. Issues regarding health concerns and relationship of the development to schools is noted, as is the fact an ICNIRP certificate has been submitted with the appeal. Other matters such as devaluing house prices are not within my remit to comment upon. Noise and disturbance matters arising from installation and maintenance issues require no further discussion as I am dismissing the appeal.

The balancing exercise

29. I have balanced the proposal against a number of considerations. The public, social and economic benefits that would ensue; I fully appreciate the gravity of the lost network coverage that would arise and its consequences; technical constraints of this site and other discounted sites; and furthermore the significance of the telecommunication industry does not escape me. Its appearance within the street scene and highway safety implications as well as the other evidence presented together with the justifications put forward by the appellant, have all been given substantial weight in my assessment. However, despite the evidence presented, bringing all these factors together, the harm I have found that would arise to the character and appearance of the area and to pedestrian safety, does not weigh in favour of the proposal for prior approval.

Conclusion

30. For the reasons set out above, I conclude that the appeal is dismissed.

Alison Scott

INSPECTOR