
Appeal Decision

Site visit made on 22 September 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2020

Appeal Ref: APP/N5090/W/20/3247504

Clitterhouse street works telecommunications mast, Claremont Road, Bent Cross, London NW2 1AH

- 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 19/4178/FUL, dated 25 July 2019, was refused by notice dated 24 September 2019.
 - The development proposed is removal and replacement of the existing 12 m street works monopole and associated equipment for a 20 m street works monopole with 12 apertures, equipment cabinets and associated works.
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Procedural Matter

1. The appellant has submitted some drawings that did not form part of the application. Given the illustrative nature of these drawings and the fact that they do not alter the proposal in anyway, I consider that no one would be prejudiced by me accepting them at this stage. I have made my decision on this basis.

Decision

2. The appeal is dismissed.

Main Issue

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

Reasons

4. The site is located on the eastern side of Claremont Road within a footpath adjacent to an expansive open playing field. The field extends to the north, south and east of the site. There are two-storey residential properties opposite the site on the western side of Claremont Road; these form part of the wider residential area that surrounds the playing field. Claremont Road rises from the north and the site is located towards the higher contours, elevated above the land to the north. Existing street furniture includes lampposts, telegraph poles and the existing telecommunications pole and cabinets.
5. The proposed pole and associated equipment would be sited a little further north than the existing pole and equipment, resulting in some of the associated

cabinets being located within a narrower part of the footpath than the existing equipment (where the grass verge appears to have been removed to widen the footpath). At 20 m high the pole would be substantially higher than the existing 12 m high pole; and it would have a wider diameter than the existing. The pole would also be over twice the height of existing street furniture within its vicinity. Additionally, the combined associated cabinets would have a greater mass and bulk than the existing cabinets, all of which would project above the height of the perimeter fence adjacent to the playing field, in contrast to the existing cabinets which are below the height of the fence.

6. Due to the above factors the proposed pole and cabinets would be more prominent in the street scene than the existing equipment and in particular the pole would be significantly more prominent, not only in short range views but also when seen in mid-range views from around and within the playing field. As such, the proposal would dominate the street scene and adjoining open space. I disagree with the appellant's opinion that the photomontages demonstrate that the proposal would not harm the character or appearance of the area. In my opinion, photomontage BNT025/PM/02 shows that the proposed pole would appear to be significantly higher than all the buildings in the backdrop, including tall buildings. In contrast, the existing pole is not prominent within the backdrop and is not perceived as being higher than the tall buildings to the north.
7. For these reasons I conclude that the proposal would have a detrimental effect on the character and appearance of the area. Therefore, the proposal would not accord with policies DM01 or DM18 of Barnet's Local Plan (Development Management Policies): Development Plan Document (2012), (Local Plan DPD). Collectively, these policies require, among other things, development to preserve or enhance local character and respect and not adversely affect surrounding buildings, spaces and streets, having regard to appearance, scale, mass and height.

Other considerations/planning Balance

8. Planning legislation requires me to determine the appeal in accordance with the development plan, unless material considerations indicate otherwise. In addition to the Local Plan DPD, the development plan also includes Barnet's Local Plan (Core Strategy) (2012), (Local Plan CS), and The London Plan (March 2016), (the LP). Other material considerations include the National Planning Policy Framework (the Framework); the Emerging London Plan (ELP); the Department for Culture, Media & Sport and the Ministry of Housing, Communities & Local Government: Collaborating for Digital Connectivity (March 2019); the Department for Culture, Media & Sport: Connected Growth manual, and Mobile UK: Councils & Connectivity.
9. Within these policies, guidance and strategies, the case for improving the digital communications network to support business development, economic growth and social well-being, is comprehensively made and supported. The proposal would improve the digital communications network in the area and would thereby support business development, economic growth and social well-being. Such considerations weigh heavily in favour of the proposal, to which I attach substantial weight.
10. Collectively, the policies and guidance referred to support an improved digital communications network. However, such improvements must be balanced

against other policy requirements, including protecting and/or enhancing the character and appearance of the area in which they would be located.

11. I acknowledge that the information provided by the appellant goes a considerable way to demonstrating that up-grading existing equipment, miniaturising and camouflaging the proposed equipment, sharing existing equipment, utilising tall buildings and alternative locations have all been considered. However, I consider that there is insufficient substantive evidence to demonstrate that all these matters have been comprehensively assessed. For example, it is claimed that the roof tops of tall buildings within the vicinity of the site are not capable of accommodating a base station and meeting network requirements. However, there is no evidence of surveys of the buildings having been undertaken which conclude that the roof tops cannot accommodate such equipment.
12. The appellant suggests that the only reason the proposal requires planning permission is because of the width of the pole compared to the existing. Although this may be the case, the fact remains that planning permission is required. I therefore attach no weight to this consideration.
13. In light of the above, I consider that there are no other considerations which lead me to conclude that determination should be made other than in accordance with the development plan. Consequently, in the absence of sufficient substantive evidence to conclude otherwise, I consider that the benefits of the proposal do not outweigh the harm to the character and appearance of the area I have identified. As such, the proposal does not accord, as a whole, with the development plan.
14. **Conclusion**
15. For the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR