The Planning Inspectorate

Appeal Decision

Site visit made on 23 September 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2020

Appeal Ref: APP/N5090/W/20/3247325
North End Way DNS, London NW3 7HE

- 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 EE Ltd & Hutchinson 3G UK Ltd against the decision of the Council of the London Borough of Barnet.
- The application Ref 19/5972/FUL, dated 1 November 2019, was refused by notice dated 6 January 2020.
- The development proposed is described as telecommunications upgrade, phase 7 monopole combined with wraparound cabinet at base and associated works.

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 by reason of its size, siting and appearance.

Reasons

3. The proposal is described as an upgrade of an existing facility. Currently there is a single telecommunications pole positioned on the back edge of the footway adjacent to railings bounding Golders Hill Park. The pole is about 9.7m high, dark in colour and seen against a conifer tree of comparable height in the park with higher trees behind this. There are streetlamps about 10m high along North End Way. The pole has a satisfactory appearance in this context.

4. The replacement monopole at some 20m high would be more than twice the height of the existing pole and considerably wider. It would be sited about 30m to the north-west in a more open location within a grass verge between the carriageway and the footway with an array of cabinets to either side. It would be on lower ground than the existing pole, sited on the brow of a hill. It would be a conspicuous feature when viewed from lower on the hill to the north-west due to the curvature of the road, the monopole's open siting and separation from trees in Golders Hill Park. When viewed from the south-east along North End Way the monopole would also be a prominent skyline feature in the street scene, much higher than other structures nearby.

5. From the footway to the north eastern side of the road, the monopole would be seen as a high and incongruous feature against Ivy House, an attractive locally listed building used by St. Anthony's School for Girls. To the south there is a belt of trees about 15m high within Golders Hill Park. It is likely that the

monopole would be seen over these trees from some positions within the park and in this respect would detract from its landscaped setting.

6. The proposal would materially differ from the existing facility in the ways outlined. It would appear as a prominent and visually obtrusive feature within the street scene and would detract from the character and appearance of the surrounding area. It would thereby conflict with Policies DM01 and DM18 of the Barnet Development Management Policies DPD (2012) which seek to protect the borough's character and amenity and which require telecommunications equipment to have no significant adverse effect on the external appearance of the building or the space in which it is located.

Other matters

7. The impact of the proposal needs to be set against the need for the new facility. The National Planning Policy Framework (the Framework) places importance both on achieving well-designed places and on supporting high quality communications. Paragraph 112 of the Framework states "*high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G)".* The proposal would provide additional coverage and capacity requirements incorporating 5G technology. There would be the benefit of enhanced mobile connectivity.

8. Paragraph 113 of the Framework encourages the number of sites for masts to be kept to a minimum consistent with operational requirements. The proposal would be sympathetic to this objective in that it involves the sharing of the monopole by two networks and a sharing agreement with the Emergency Service Network. The appellant comments that the height of the proposed apparatus is the minimum capable of providing the technological improvements sought and to avoid potential interference whilst allowing two operators to use the site and that a lower installation would significantly reduce coverage.

9. The appellant has set out a sequential approach to site selection involving 5 options. However, as option 1 was selected (upgrading an operator's own existing base station) no other option would appear to have been investigated. No information has been submitted on other options or on an alternative siting for the monopole. The appellant comments that, "*Discounted options were supplied with the original planning submission and thus the principle of the siting is already established*". But there are material differences in the siting of the existing and proposed installations in relation to the position on the footway, openness, proximity to buildings and the degree to which trees can help to assimilate the appearance of the structures in the street scene. As the proposed monopole would be about 30m from the location of the existing pole, this is stretching the notion of utilising the existing base station.

Planning balance

10. The provision of improved high-quality, reliable digital connectivity to enable communities to benefit from faster economic growth and greater social inclusion is an important objective in the Framework and other Government documents[1]. The proposal would be in accordance with these objectives.

[1] 'Letter to Chief Planning Officers: Planning for Growth' dated 31st March 2011.

11. However, the 20m monopole would be a conspicuous and obtrusive feature in the street scene and wider area due to its height, siting and appearance. It would be sited next to school premises and result in less than substantial harm to Ivy House, a locally listed building and heritage asset, but there would be public benefits through increased mobile connectivity.

12. There is no evidence before me of a preferable alternative to enable desired technological improvements to be achieved, but this would appear to be because no other standalone new facilities have been investigated. The proposal has not been designed to remain as discreet as physically possible yet still facilitate multiple sharers. From the evidence before me, I am not satisfied that a less harmful siting cannot be found either within the environs of the existing base station or in a new location. In my judgement, the need for the facility does not outweigh the harm arising on the character and appearance of the area from the siting of the monopole.

Conclusion

13. The adverse effect of the proposal on the character and appearance of the area by reason of its size, siting and appearance would not be outweighed by the proposal's benefits. For the reasons given and having regard to all other matters raised the appeal should be dismissed.

Rory MacLeod

INSPECTOR