



Appeal Decision

Site visit made on 21 October 2020

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020

Appeal Ref: APP/N5090/W/20/3250662

Lisle Court, Cricklewood Lane, London, NW2 2EP

- 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, and Hutchison 3G UK Ltd against the decision of the London Borough of Barnet.
 - The application Ref 19/4527/FUL, dated 15 August 2019, was refused by notice dated 10 October 2019.
 - The development proposed is the installation of 6no. antenna apertures, 4no. 600mm dishes and 4no. equipment cabinets at rooftop level, 1no. equipment cabinet at ground level along with development ancillary thereto.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of 6no. antenna apertures, 4no. 600mm dishes and 4no. equipment cabinets at rooftop level, 1no. equipment cabinet at ground level along with development ancillary thereto at Lisle Court, Cricklewood Road, London, NW2 2EP, in accordance with the terms of the application, Ref 19/4527/FUL, dated 15 August 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
1534311_BNT145_55594_NW0372_M001 B (existing site elevation),
1534311_BNT145_55594_NW0372_M001 B (existing site plan),
1534311_BNT145_55594_NW0372_M001 B (proposed site elevation),
1534311_BNT145_55594_NW0372_M001 B (proposed site plan), location plan, ICNIRP document (Waldon Telecom ref 1999/519/EC).

Main Issue

2. The main issue in this case is the effect of the new antenna, dishes and cabinets on the character and appearance of the property and the wider streetscape.

Reasons

3. The application site is one of three similar four-storey blocks, located on the south-east side of Cricklewood Lane. The building comprises first floor single storey flats that open onto a balcony above street level shops. The second and third levels comprise two-storey flats that open onto a street balcony. There

- are safety railings around the perimeter of the roof. There is no telecommunications or other equipment installed on the roof at present. The building is linked to the block known as 7-30 Lisle Court at the south-west end.
4. The Council points out that Lisle Court is a relatively long structure with a level, consistent and unbroken roofline, which it considers means that any equipment, however slender, would be visible and visually disruptive. This contrasts with the existing site of the telecommunications equipment at the former Tavern public house. That late C19th building has a vertical character, further emphasised by the chimney stacks and pots. The existing equipment on that building is therefore to some degree integrated and merged with the structure of the property.
 5. The Council wishes to ensure that any new equipment on the roof of the subject property would not adversely affect its external appearance. Policy DM18 seeks to ensure any proposed telecommunication equipment should use the available technology towards miniaturisation and camouflage. The Council considers that the proposed equipment would be highly visible at street level, adversely affect the external appearance of the building and the wider streetscape. There are long views along Cricklewood Lane from the road itself and from adjacent roads including Dersingham Road and Harman Close.
 6. The appellant explains that the need for this development arises from the loss of the operational site (due to decisions by others), currently located on the former Tavern public house, located approximately 30m from the appeal site on the opposite side of Cricklewood Lane. That building accommodates unshrouded antenna and dishes on pole mounts at roof level, which is at a similar height above street level to the appeal proposal. It is necessary to relocate this site to prevent a degradation of network services within this part of Cricklewood.
 7. Prior to selecting the proposed site, a comprehensive investigation was undertaken by the applicant's network planners, acquisition and planning agents to find a site specifically capable of replacing that on the Tavern public house. Potential sites are considered in terms of their technical suitability to provide the required level of service, the effect on visual amenity and their ability to be acquired, built and maintained. The aim of site identification is to find the most technically efficient site, which has the minimum impact on visual amenity.
 8. I note that the scheme involves a number of items of rooftop operational equipment, similar to, but more extensive than, the existing equipment currently across the road. Immediately above the existing surface of the roof would be a steel support framework, surrounded by 1.1m high handrails, with a steel 'lattice' decking as a working platform. There would be 4no. support poles at each corner of the framework, on which would be mounted the dishes and antennas. At the front, on the left-hand corner¹, there would be 2no. 600mm transmission dishes, and on the right-hand corner would be 2no. antennas which are oblong on a vertical axis; at the rear, on the left-hand corner would be 2no. antennas and 1no. 600m dish, and on the right, 2no. 600mm dishes. In addition, there would be equipment cabinets that are located on and towards the rear of the lattice decking.

¹ In these descriptions, left and right refer to the proposal when viewed from the front of the building.

9. In my judgement the equipment cabinets would not be features that would be seen from the Cricklewood Lane, nor register in views from the distance. The two antennas at one end of the framework and the two dishes at the other end, at the front of the roof, would be the only elements that would have any obvious impact on views from Cricklewood Lane. I consider that they would be only a little more prominent in the street scene than the existing equipment on the former Tavern public House.
10. As far as long views are concerned, I could find no location to the north-west, in the roads at the back of Cricklewood Lane, from where the appeal equipment might be seen, and no viewpoints from that direction have been drawn to my attention. In the other direction, the Council draws attention to Dersingham Road and Harman Close as areas where the equipment could be seen in long views. I could find no point in Dersingham Road from where I considered that the equipment would be anything but a marginal intrusion into the view. I walked the length of Harman Close, which is nearer to Lisle Court, but for the most part the view of the appeal equipment would be screened by trees. A number of these trees are conifers, blocking the view entirely, but some of them are deciduous which, at the time of my visit, had already lost a good proportion of their leaves. With the loss of leaves I was able to see the relevant roof top of Lisle Court, but at this distance the antennas and dishes would be diminished in the view by even bare branches.
11. As a result of my tour of the area and these observations, I conclude that the effect of the new antenna and dishes on the character and appearance of Lisle Court and the wider streetscape would be relatively limited, the most obvious view being from Cricklewood Lane. This part of Cricklewood Lane is a busy thoroughfare with commercial premises at ground level. In my opinion the appeal equipment would become an acceptable part of the street scene and a feature of Lisle Court in a relatively short space of time, especially since the roof is at a height of almost 12m, well above most people's field of vision as they go about normal daily life.
12. In addition to these matters, there is the emphasis in national policy on sustainable development. The National Planning Policy Framework (the Framework) has 3 overarching objectives: in addition to the environmental, are economic and social objectives which the appeal proposal would help to achieve. Framework paragraph 112 emphasises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology, which play a vital role in enhancing the provision of a range of local community facilities and services.
13. Paragraph 113 includes the statement "*the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate*".

14. In the present case, the operators have had to find a replacement site for existing equipment, which obviously limits the area of search since the provision must fit in with the existing arrangement of base stations and cells. The evidence shows that 15 alternative sites were considered, with cogent reasons given for their non-selection. In the context of good modern telecommunications being essential for economic growth and social wellbeing, in addition to the current provision of commercial communications services, I note that EE has been awarded a contract by the Home Office to provide the new Emergency Services Network (ESN) that will shortly replace the current Airwave system used by the emergency services.

Other matters

15. Two matters have been raised in representations from interested persons. Firstly, that the appeal proposal poses a health risk to tenants of the flats below, due to radiation; and secondly that the means of attachment to the roof involved in the installation of the equipment can cause leaks through the roof. As to the first of these, Framework paragraph 116 directs local planning authorities to determine applications on planning grounds only and, in particular, to avoid setting health safeguards different from the International Commission on Non-Ionizing Radiation Protection guidelines for public exposure. The appeal documentation includes a certificate of compliance with the international guidelines, and therefore the fears expressed are mis-conceived. No rational explanation has been given of why the attachment of this equipment should cause leaks through the roof. In any event that would be a civil matter for the property owner and is not a material consideration for me.

Conclusions

16. I conclude that the effect of the new antenna, dishes and cabinets on the character and appearance of the property and the wider streetscape will be limited. This limited harm, which local plan policy seeks to avoid from the installation of telecommunications equipment, is outweighed by the national policy which places considerable emphasis on providing and maintaining high quality and reliable communications infrastructure. Therefore the appeal will be allowed.

Conditions

17. The council has suggested 1 condition that should be imposed on any planning permission, in addition to the standard time limit for commencement of the development. This condition requires the development to be carried out in accordance with the listed approved plans. I will adopt this suggestion for reasons of clarity and the avoidance of doubt.

Terrence Kemmann-Lane

INSPECTOR