

Appeal Decision

Site visit made on 26 October 2020

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Appeal Ref: APP/Q5300/W/20/3249801

Hoppers Road, Winchmore Hill, Enfield, London, N21 3JR

- 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 Enfield Council.
 - The application Ref 19/02747/FUL, dated 1 August 2019, was refused by notice dated 3 December 2019.
 - The development proposed is the installation of a 20m monopole, 12 no. apertures, equipment cabinets and the removal of the existing 9.7m monopole, 3 no. antennas, redundant equipment cabinets and development ancillary thereto.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the conservation area.

Reasons

3. The proposal would result in the installation of a series of nine cabinets and a 20m high monopole approximately 50 metres south of the current telecommunications site on Hoppers Road. Four of the existing cabinets and the monopole would be removed with a single cabinet being retained. The existing monopole is 9.7 metres high and is located in a small grassed area between the pavement and the high boundary wall of the neighbouring properties. It lies to the south of the Salisbury Arms public house which is situated on the junction of Hoppers Road and Lynwood Grove. Permission was granted in October 2019 to increase the height of the mast to nearly 15 metres but this has not yet been implemented.
 4. The proposed new site would similarly be located adjacent to the pavement along Hopper Road. It would be situated on the edge of a much larger and deeper area of grassed open space which accommodates a footpath that runs along the rear of the greenspace before linking into the footpath along Downes Court.
 5. Both the existing mast and the proposed works, lie within the Winchmore Hill Green Conservation Area. The conservation area is centred on the greenspaces
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known as The Green which is the focus of the historic core of the settlement. Small roadside greenspaces are also distinctive features of the conservation area. The greenspaces at Hoppers Road, Church Hill and The Green, in particular, accommodate mature trees which together with the street and garden trees along the main thoroughfares, contribute significantly to the character and appearance of the area.

6. The proposed mast would have a significant girth and would be 20 metres tall. The nine cabinets would be prominent along the back of the pavement, with their alignment and number, effectively enclosing, to a degree, a significant section of this open greenspace. Given the depth of the open space, they would be viewed in relative isolation. Similarly, the mast would be a highly visible and dominant feature within the streetscape. Although there are high trees within the greenspace, which would form a backdrop in some views, the forward position of the mast would ensure that it would be dominant in most views. It would represent an entirely incongruous addition which would be both dominant and imposing. Together with the number and arrangement of the cabinets, the mast would detract from the open character of the greenspace and would be entirely at odds with the character and appearance of the area.
7. The removal of the existing mast would offer some benefits but it is sited on a smaller section of greenspace that does not have an open character because of its limited depth and the presence of the high boundary wall. It is set close to a tree to the north and other significant vegetation to the south. When viewed from the north and heading towards the southern end of the conservation area, it is viewed in the context of the adjacent tree but it is also set against a backdrop of much higher trees beyond. When approaching from the south, heading towards the heart of the conservation area, the vegetation and the slight bend in the road, ensure that its prominence is relatively limited. It is also situated at a point where the eye is drawn towards the distinctive public house building on the left and the mature trees that are located in a further greenspace area to the right. The approved higher mast would be more prominent, but would still benefit from these mitigating features.
8. The removal of the existing mast and equipment, whilst being of some benefit, would only marginally reduce the level of harm that would result from the proposed new structure to the conservation area given its increased height, bulk and its more exposed position. I acknowledge however that the proposed mast would have no greater impact on the Salisbury Arms public house or Compton Terrace which I understand to be non-designated heritage assets. Indeed, given the greater distance from them, there may be a slight improvement to the setting of those buildings compared to the approved mast.
9. I am satisfied that the proposed mast would not result in increased harm to non-designated heritage assets. However, any benefit in that respect would be very limited and would not reduce the harm to the conservation area resulting from such an exposed and prominent structure of this size and with the number and prominence of the associated cabinets. I do not agree with the appellant that this harm would be very slight. It would be considerable and it would detract from the character and appearance of this particular area as well as detracting from the significance of the conservation area overall.

10. The proposal fails to have appropriate regard to its surroundings and context and would therefore conflict with Policy DMD 37 of the Development Management Document 2014 (DMD); and Core Policy 30 of the Core Strategy 2010 (CS). As it would fail to have appropriate regard to the special character of the conservation area and would fail to conserve and enhance its special interest and significance, it would also conflict with the heritage requirements of CS Core Policy 31 and DMD Policy DMD44. Although not listed in the Council's reason for refusal, I also find conflict with the design and heritage objectives of Policies 7.4, 7.5 and 7.8 of the London Plan 2016.
11. The National Planning Policy Framework (the *Framework*) is clear that any harm to a heritage asset, such as a conservation area, should be weighed against the public benefits of the proposal. I must therefore consider the public benefits and determine whether they would outweigh this harm.
12. It is not disputed that the proposal would provide an important upgrade to the digital telecommunications infrastructure in this part of Enfield, enabling additional coverage and capacity, including the incorporation of 5G technology. It is also the case that upgrading existing infrastructure, including the provision of 5G technology, is a key government aim. The *Framework* places high importance on the need to upgrade England's digital communication network and the promotion of economic growth. Paragraph 112 emphasises that high quality and reliable communication infrastructure is essential for economic growth and social well-being and that policies and decisions should support the expansion of electronic communications networks including next generation mobile technology, such as 5G. Furthermore, London Plan Policy 4.11 seeks the provision and delivery of the information and communication technology infrastructure that a modern and developing economy needs, particularly to ensure adequate and suitable network connectivity across London (including well designed and located street-based apparatus).
13. I afford considerable weight to the requirement for improved infrastructure and acknowledge the benefits of this particular proposal compared to the existing and approved systems. I note also the appellant's evidence, demonstrating that alternative locations have been reviewed to establish the optimal position for the new telecommunications infrastructure and that the mast and cabinets are of the minimum height, number and size necessary. These matters add further weight in favour of the principle of the proposed works.

Conclusions

14. There are clear and compelling arguments in favour of allowing improved communication infrastructure and it has been identified that other options, to improve upon the capabilities of the mast already approved, present significant technical difficulties. Given the government and development plan support for such provision and the benefits that would result to the economy generally, I have afforded substantial weight to these matters.
15. I am mindful also that Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. I find the harm to the conservation area in this case to be less than substantial, as described in paragraph 196 of the *Framework* but I do

not agree that it falls at the lower end of the scale of such harm. The harm would result in conflict with the design and heritage policies of the development plan and the proposal would fail to preserve or enhance the character or appearance of the area. When considering the conflicting policy objectives of the development plan overall, given the prominence, scale, arrangement and number of cabinets, together with the scale and prominent position of the mast, I conclude that the policies seeking to protect the environment and preserve or enhance the conservation area, outweigh those that support the general provision of such communication systems and the support for the economic benefits that would result.

16. On balance, I am not satisfied that the public benefits, although considerable, would be sufficient to outweigh the harm to the Winchmore Hill Green Conservation Area. The works would therefore conflict with the heritage requirements of the *Framework*. I have already concluded that on balance they would overall, conflict with the policies of the development plan when taken as a whole. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR