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## Appeal Decision

Site visit made on 8 December 2020

**by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 December 2020**

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**Appeal Ref: APP/N5090/W/19/3243305**

**Land at A1/A406 JN DNS, Great North Way, Hendon, London N3 3EY**

- 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 19/2572/FUL, dated 3 May 2019, was refused by notice dated 28 June 2019.
  - The development proposed is for the installation of a 20m monopole supporting 12no. antennas, equipment cabinets and ancillary equipment, the removal of the existing 11.7m monopole, supporting 3no. antennas, redundant equipment cabinets and development ancillary thereto.
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### Decision

1. The appeal is dismissed

### Main Issue

2. The main issue of this appeal is the effect of the proposed development on the character and appearance of the appeal site and surrounding area.

### Reasons

3. The proposal is for the replacement of an existing 11.7m high monopole (the existing installation) with a 20m monopole, together with equipment cabinets and ancillary development (the proposed development). The appeal site is part of a grass verge running along the side of the Great North Way, which is a 6no. lane bypass, which is well utilised by motorists. The verge is located behind the footpath, which separates the site from the road. Behind the verge is a variety of mature trees, the majority of which are deciduous that provide the backdrop to the site. Opposite the site is the carriageway, which has a central barrier, with Southbourne Crescent located beyond.
4. The verge contains the existing installation, which includes the 11.7m monopole and a number of cabinets, 2no. lighting columns and a road sign are also in proximity. The existing installation is clearly visible from views within the public realm along Great North Way, on both sides of the carriage way as there is a notable absence of screening or landscaping to the front of the development.
5. The proposed development would replace the existing installation with a 20m mast, which would be sited close to the site of the existing installation, albeit located closer to the footpath. The proposed development would have a wrap-around cabinet at its base and 4no. separate cabinets adjacent. I note that a

number of the existing cabinets would be removed as part of this installation. Nonetheless, on the details before me, 2no. of the existing cabinets and the 'Rec Cabin' would be retained. Additionally, on this proposal a security barrier would be installed in front of the installation.

6. The appeal site is located in a visually prominent location adjacent to a busy road. I have had regard to the urban, commercial environment within which the appeal site is located, and other features such as street lighting, traffic signs, amongst other things. As such, I find that this is not an unsuitable location in principle for the siting of telecommunications equipment. However, whilst the existing installation was approved at appeal<sup>1</sup>, I find this scheme to differ significantly from the case before me.
7. Whilst, the existing mast to be replaced is visible within the street scene itself, it does not appear unduly prominent or visually intrusive within the context of the adjacent street lighting columns, due to its similar slim, vertical design, with a height and column width which are not significantly greater than those of the lighting columns. I accept that the proposed development retains a monopole form, but it would have a much more visually dominant presence in views from the public realm than the existing installation, particularly due to the combination of its greater height, column width and more bulky and visibly distinct array on top of the supporting column.
8. As a consequence, the proposed development would not successfully integrate with its surroundings, which includes the street lighting, due to the notable increase in height and column width. Additionally, the increase in the overall number of cabinets on the modest verge, the proposed siting closer to the footpath and the installation of a security barrier would compound the visual harm even further. Consequently, the proposed development would appear as a stark, incongruous feature within the street scene. In this instance, I do not consider that a suitably worded condition could be imposed to ensure that otherwise unacceptable development could be made acceptable. Accordingly, the proposed development would result in unacceptable harm to the character and appearance of the appeal site and surrounding area.
9. For the above reasons, I therefore conclude that the proposed development would harm the character and appearance of the appeal site and surrounding area. Thus, the proposed development would conflict with the design, character and appearance aims of Policies DM01 and DM18 of the Council's Local Plan (Development Management Policies) Development Plan Document 2012, and the requirements of the National Planning Policy Framework (the Framework).

## **Other Matters**

10. In accordance with paragraph 80 of The Framework, I afford significant weight to the economic and social benefits of providing and enhancing electronic communication infrastructure. In this instance, the proposed development would greatly increase the speed and responsiveness of wireless networks that will also enable a sharp increase in the amount of data transmitted over wireless systems due to more available bandwidth and advanced antenna technology. Furthermore, paragraph 112 of The Framework advises that advanced, high-quality and reliable communication infrastructure is essential for economic growth and social well-being and that the expansion of electronic

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<sup>1</sup> APP/N5090/A/06/2019414

communication networks, including next generation mobile technology, should be supported.

11. The proposed structures would be shared by 2 operators<sup>2</sup> which would reduce the proliferation of electronic communication equipment in comparison to a situation where operators seek separate installations. I acknowledge that the height of the proposed development must be sufficient to enable local provision and clear surrounding buildings and the installation with 5G also needs to be at the height detailed to clear ICNIRP guidelines and thus there is no scope to lower the height of the array. On this issue, I have no reason to doubt the appellant's evidence that the monopole and cabinets proposed are the minimum necessary and would comply with INCIRP standards. It is also highly likely that the Emergency Services could utilise the network, improve home working and make cities smarter, amongst other things. These factors weigh in the proposal's favour.
12. Paragraph 113 of the Framework also states that the use of existing masts is encouraged. Whilst the new monopole is located in a slightly different location than the existing mast, the proposed development is in essence for the re-use of an existing electronic communications network site. Nonetheless, paragraph 115(c) of the Framework outlines that for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure should be submitted. The requirement for such evidence is relieved only where the proposal is for an addition to an existing mast or base station. The Framework does not exclude replacement masts from such an assessment. As submitted, the proposed development before me relates to a new installation.
13. Consequently, I find that it is necessary to consider alternative sites and information about the network coverage and the gaps in the network coverage that the proposed development seeks to address. Paragraph 82 of The Framework states that the locational requirements of different sectors should be recognised. The appellant's submission asserts that alternative sites were considered and that a sequential approach has been taken, where an absence of tall buildings or masts that could host 2no. additional operators means that there are no alternative sites. However, I find the amount of detail surrounding the investigation of alternative sites to be very limited, which weighs against the proposed development. Thus, I am not satisfied or convinced that undertaking the proposed development at this site is the only way to achieve the identified economic and social benefits.
14. I note that a 20m high monopole and equipment cabinets may potentially be installed under permitted development rights provided by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). However, the appellant advises that the width of the monopole would exceed relevant limitations within the GPDO. Consequently, I am not convinced that there is a greater than a theoretical possibility that the proposed development as outlined above, might take place. Therefore, my conclusions on the main issues remain unaltered.
15. I have also had regard to the appellant seeking to engage with the Council, elected representatives and a local school prior to the submission of the application, and to the compliance with ICNIRP standards. However, these

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<sup>2</sup> EE Ltd and H3G (UK) Ltd

matters are of neutral consequence in the assessment of this appeal. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

### **Planning Balance and Conclusion**

16. Whilst I accept the absence of other harm arising from the proposed development and the benefits of the proposal that have been identified by the appellant, including the economic and social benefits of upgraded electronic communication infrastructure, these do not outweigh my assessment of the main issue. The proposed development would conflict with the development plan when taken as a whole, and there are no other material considerations that indicate otherwise. It would also be at odds with the requirements of the Framework.
17. Taking all matters into consideration, I conclude that the appeal should be dismissed.

*W Johnson*

INSPECTOR