



Appeal Decision

Site Visit made on 21 December 2020

by A M Nilsson BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2021

Appeal Ref: APP/X5210/W/20/3258619

Spaniards Road, Hampstead Heath, Camden, London, NW3 7ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by EE Limited & Hutchison 3G UK Limited against the decision of London Borough of Camden.
 - The application Ref 2020/2942/P, dated 20 July 2020, was refused by notice dated 20 August 2020.
 - The development proposed is the erection of 15m high telecommunications monopole with wraparound cabinet at base and 3 x equipment cabinets on the public footpath, and removal of 1 x existing equipment cabinet.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Order under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. In their statement, the appellant outlines that the existing monopole would be removed on completion of installation of the proposal. This is somewhat in contradiction to the initial Site Specific Supplementary Information which outlines that the existing site will be retained at this time, and the proposed plans which show the existing installation being retained.
4. As this relates to the removal of equipment, I do not consider that the interests of any party would be prejudiced if I determine the appeal on the basis of the proposal to remove the existing installation as per the chronology of the evidence.

Planning Policy

5. The principle of development is established by the Order, and the provisions therein do not require regard be had to the development plan. I have had regard to the policies of the development plan, any related guidance and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

6. The main issue is the effect of the siting and appearance of the proposed development on the character and appearance of the area

Reasons

7. The appeal site is located adjacent to the footpath/cycle path on Spaniards Road. The site is adjacent to Hampstead Heath which is designated as Metropolitan Open Land (MOL) where there are mature trees on an embankment which slopes down towards the heath. There are streetlighting columns and two existing telecommunications monopoles in the immediate area, one of which is 9.7m in height and sits adjacent to the appeal site.
8. The existing telecommunication monopoles in the street are relatively slender and innocuous installations. They do not appear overly obtrusive and sit relatively comfortably with the streetlighting columns in the area. In comparison, the proposal, due to its height, width and bulky headframe would be significantly more prominent.
9. The installation would be significantly taller than the existing monopole and trees behind the appeal site. It would also extend above the existing streetlighting columns. The width of the column and the headframe are also considerably greater than any of the other street furniture in the area. It would therefore, as a result of its scale, be highly visible from long range views along Spaniards Road and from within Hampstead Heath. It would represent an incongruous and dominant addition adversely affecting the character and appearance of the area. I do not consider that the appellants suggestion to use of a specific colour for the installation would overcome the harm I have identified.
10. For the reasons set out above, the mast would cause significant harm to the character and appearance of the area. The proposal would be contrary to Chapter 10 of the Framework, which requires, amongst other things that equipment on new sites to be sympathetically designed and camouflaged where appropriate.
11. The proposal would also be contrary to Policies D1 and A2 of the Camden Local Plan (2017) which require, amongst other things, that development is of high-quality design that integrates well with the surrounding streets and open spaces. The proposal would also be contrary to Policies DH1 and NE1 of the Hampstead Neighbourhood Plan (2018) which require, amongst other things, that development respects and enhances local character and avoids harm to Local Green Spaces.
12. Were I to have considered the proposal in the same regard as the Council, that is, that the existing mast were to be retained, I would have found that a greater degree of harm than that which I have identified would have been caused, as a result of the proliferation of equipment, the cumulative effect of which would have caused clutter.

Other Matters

13. The appellant has referred to the use of the installation as part of the Emergency Services Network (ESN). I have not been provided with any evidence to demonstrate the significance of the current installation in this

context or that there is a specific need or demand for the proposal to meet a deficiency in the ESN. I therefore give this argument little weight.

14. The appellant comments that the site is not within an area with a statutory designation for a particular protection such as for heritage or ecological purposes. The lack of harm to such a protected area does not sufficiently weigh in favour of the proposal to overcome the harm I have identified.
15. The appellant has submitted a copy of the document titled 'Councils and Connectivity - How local government can help to build mobile Britain' (2018). This document outlines the mobile industry's view on how local government can create an environment that is conducive to the building of mobile infrastructure. The document does not appear to have been through any public examination and I give it little weight in the appeal.
16. The appellant considers that the proposal represents a sustainable form of development, and that such an objective should inform decisions as outlined in the 'Letter to Chief Planning Officers: Planning for Growth' dated 31 March 2011. I have not been supplied with a copy of the letter. In any event, I do not consider that the proposal representing a sustainable form of development (or otherwise) would overcome the harm I have identified.

Planning Balance and Conclusion

17. I do not consider that the public benefits of the installation in terms of an enhanced telecommunications network, its contribution to economic growth, the operational and locational needs of the operators, or that it would replace an existing structure with a shared mast, outweigh the significant harm that I have identified to the character and appearance of the area.
18. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR