



Appeal Decision

Site visit made on 26 January 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2021

Appeal Ref: APP/M5450/W/20/3257137

**Land at Marsh Road/West End Avenue Junction, Marsh Road, Pinner
HA5 5NG**

- 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 Telefonica UK Ltd against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3805/19, dated 2 September 2019, was refused by notice dated 5 February 2020.
 - The development proposed is a 15m shrouded monopole, supporting 6 No antennas, 2No 300mm microwave dishes. The installation of 6 cabinets and ancillary equipment.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area, and on the safe and convenient use of the pavement.

Reasons

Character and appearance

3. The appeal site is a relatively large verge on the corner of Marsh Road and West End Avenue, adjacent to a small shop with flats above. The proposed mast would be visible in views along Marsh Road, as well as from School Lane and West End Avenue. Despite this visibility, given its size and proposed appearance, I do not consider that the proposed equipment itself would appear unduly intrusive or otherwise harmful to the visual amenity of the area. Although it would be taller than the mast it replaces and the building it would be adjacent to, I do not consider that its overall scale, relative to its surroundings would be unacceptable, and telecommunication infrastructure is increasingly a common part of the modern street-scene.
4. I am satisfied that the appellant has demonstrated a robust approach to site selection and consider that their reasoning for choosing this broad location for a temporary period to replace an existing mast is acceptable and well set out with regard to coverage and location.
5. I therefore consider that the proposal would not be visually intrusive or detrimental to visual amenity, such that it would cause harm to the character and appearance of the area. It would therefore comply with Policy DM49.A(b) of the Harrow Council Development Management Policies (the DMP), which

support telecommunications development where it has a minimal impact on amenity, character and appearance.

Safe and convenient use of the pavement

6. As noted above, the appeal site is a relatively large verge on a junction. It is protected from the carriageway by a line of bollards on the outside edge. A utility cabinet and lamp post are also located on the carriageway edge, and a charity donation box is set against the wall of the shop. There are also two inspection chambers, flush with the pavement surface within the verge.
7. The cabinets to serve the mast are proposed to be located against the wall of the shop. As such, their location is acceptable with regard to the convenience of pavement users, as they are consistent with the usual location of such cabinets.
8. The siting of the mast has apparently been dictated by the location of below-ground infrastructure and the foundation design required. As a result, it is set some distance from the pavement edge, in direct contrast to all of the other street furniture around it, and indeed, the mast which it seeks to replace. Whilst I accept that sufficient space would be left around the mast for safe movement of pedestrians and other pavement users, I consider that the particular location of the mast in the pavement would not contribute to convenient or practical movement or use of the pavement. To my mind, the awkward and inconvenient location of the mast is emphasised by the more practical and obvious location of the other street furniture around it, and elsewhere in the wider street-scene.
9. I acknowledge that the appeal proposal is intended to be temporary, pending the delivery of a permanent roof-top solution nearby. However, mindful of the time which has already elapsed since the need for this replacement arose, there is nothing before me to suggest that the temporary two-year period sought would be sufficient to arrive at a permanent, roof-top solution. As such, I do not consider that the temporary nature of the proposal would offset the harm to convenient movement I have identified above. Nor do I consider that a condition requiring removal of the mast after two-years would mitigate this harm, as there is no clear evidence to suggest that this period would not be further extended, prolonging the harm which I have identified.
10. I note the appeals cited by the appellant, in which the benefits of telecommunication related development are weighed against any harm that may arise. However, each proposal is to be assessed on its own merits, and I do not consider that any of them offer an irresistible precedent for the proposal before me and its effects. I also note the support in the National Planning Policy Framework (the Framework) for high quality communications, and that advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. The Framework also emphasises that policies and decisions should support the expansion of the communications network. However, I must balance this against the requirement for equipment to be appropriately designed and located, as well as the overarching imperative in the Framework for development to achieve well-designed places for the long term.

11. As I have found that the proposal would cause harm to convenient pedestrian movement and practical use of the footway by all users, I consider that the proposal would be contrary to Policy DM49.A(d) of the DMP. I also consider that the proposal would be contrary to guidance in the Framework to provide high quality, accessible public space and well-designed places.

Other Matters

12. The appellant has suggested that an emergency temporary mast could be installed at this location without recourse to planning permission. However, that does not change my conclusions on the effects of the proposal before me.
13. Concerns have been raised about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

Conclusion

14. Whilst I do not consider that the proposal would be visually intrusive, because it would be harmful to convenient and accessible pedestrian movement and use of the pavement, the resulting development plan conflict would be significant. I do not consider that the support for high quality communications infrastructure in the Framework is a material consideration of sufficient weight to outweigh the harm I have found and the associated conflict with the development plan and broad support in the Framework for well-designed places.
15. For the reasons given above I conclude that the appeal should be dismissed.

S Dean

INSPECTOR