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## Appeal Decision

Site visit made on 29 January 2021

**by D Szymanski BSc (Hons) MA MRTPI**

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

**Decision date: 8<sup>th</sup> February 2021**

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### **Appeal Ref: APP/N5090/W/20/3260584 54 – 58 High Street, Edgware HA8 7EJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and 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 MBNL Limited against the decision of the Council of the London Borough of Barnet.
  - The application Ref 20/2685/PNT, dated 15 June 2020, was refused by notice dated 7 August 2020.
  - The development proposed is Installation of 6No. antenna apertures mounted across 3No. steel support structures (approx. 32.50m AGL to top), 4No. 600mm diameter dishes across 2No. 2m high poles, 8No. rooftop cabinets, 1No. ground-based cabinet, plus ancillary development.
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### **Decision**

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of the installation of 6No. antenna apertures mounted across 3No. steel support structures (approx. 32.50m AGL to top), 4No. 600mm diameter dishes across 2No. 2m high poles, 8No. rooftop cabinets, 1No. ground-based cabinet, plus ancillary development at 54 – 58 High Street, Edgware HA8 7EJ, in accordance with the application Ref 20/2685/PNT, dated 15 June 2020, and the plans submitted with it, including plan Refs: 002 SITE LOCATION PLAN Issue B; 100 EXISTING SITE PLAN Issue B; 150 EXISTING ELEVATION A Issue B; 215 MAX CONFIGURATION SITE PLAN Issue B; 265 MAX CONFIGURATION ELEVATION Issue B.

### **Procedural Matters**

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (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. The principle of development is established by the Order, and the provisions in the Order 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 (2019) (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

4. The appeal proposals are set out on a layout plan and a single elevation plan. However, there is sufficient information provided to make an informed judgement. The Council considered the proposal on this basis and so shall I.

### **Main Issue**

5. The main issue is the effect of the siting and appearance of the proposed development upon the character and appearance of the area.

### **Reasons**

6. The appeal site comprises a large nine storey office building fronting the A5 which is a main thoroughfare, incorporating railings, streetlights, and other furniture. The surrounding area has a mix of uses with a variety of different shape, scale and appearance of buildings and structures. The majority of the appeal site building is approximately 27m in height with a smaller section of approximately 30m. The main roof area houses some existing apparatus of a different operator. This appeal proposal includes the provision of further antennae, dishes, and support structures for two operators.
7. Apparatus at an existing site approximately 100m away at Middlesex House require removal. Without replacement this would limit or remove services from the area, which has a relatively heavy user demand. The development would provide some replacement 2G, 3G and 4G equipment, but also new 5G technology infrastructure allowing ultra-fast mobile connectivity. The development would increase network capacity, down-load speeds, capabilities, and performance. Based upon the evidence before me, this has been done so with the smallest scale, lowest number, and height possible.
8. Paragraph 113 of the Framework states that sites for installations should be kept to a minimum, encouraging the use of existing buildings. Paragraph 115 requires for a new base station, evidence is provided that the applicant has explored the possibility of erecting antennas on an existing building, mast, or other structure. The site selection process suggests there are a lack of buildings in the local area of a sufficient height and construction to meet the height and locational needs of the proposed development.
9. Aside from the ground based cabinet on High Street, the existing and proposed apparatus would not be visible from the street scene immediately around the appeal site. The scale of the ground cabinet is modest and would be sited and of an appearance that would not be obtrusive, visually harmful or cause interference with the operation of the footway. The Highway Authority raises no objection and I see no reason to disagree.
10. The shape and height above the main roof would result in some of the new equipment being visible above the office block roof line. There would be some visibility on sections and points along the A5 for approximately 300m to the north and 400m to the south. Visibility from roads and paths off the A5 is limited given the position of buildings and trees. It is largely restricted to limited points on Whitchurch Lane and parts of parking areas to the south of Station Road, with some views possible from some local buildings.

11. The development would be viewed in an urban setting incorporating a wide variety and appearance of significantly sized buildings and structures. There is a highly diverse skyline of different structures and shapes in areas I was able to gain visibility of the appeal site roof. The development would be accommodated on a roof top which includes some existing communications equipment, equipment housing, metal railings and a lift motor room. In comparison to the scale and variety of shapes and materials on the building and other sizeable commercial and residential buildings nearby, the development would be small in scale and not obtrusive.
12. From the main highways, where visible, the development would be viewed in the context of a significant amount of street furniture such as street and car park lights, traffic lights, signage, and railings. This includes the busy section of A5 dual carriageway running along the front of the appeal site. Given the siting and location, the appearance of the equipment would not be either incongruent or unduly prominent. Existing equipment on Middlesex House is well screened from the wider area and there would not be a cumulative impact of any significance.
13. The new equipment is limited in height, width and small in overall scale, being discernibly lower than some of the existing equipment. There would be a good degree of spacing between the higher pieces of equipment which would be limited in number and the white, grey and metal colours would limit visibility against the skyline. Having regard to the existing equipment, the proposed configuration would not appear cramped, cluttered, unduly prominent, and would retain subordination. The magnitude of visual change of the host building and area would therefore be highly limited, and the development would not have a harmful effect.
14. For the reasons set out above, the siting and design of the proposed development would not cause harm to the character and appearance of the building or the area. In this regard it would be in accordance with Policies DM01 and DM18 of the Barnet Local Plan Development Management Policies (2012) (the DMP). In combination and amongst other things these require development preserves local character, respects the appearance, scale, height and pattern of surrounding development and there is no significant adverse effect on the external appearance of the building on which the development is located. The proposal would accord with guidance in Chapter 10 of the Framework, which seeks to ensure equipment is sympathetically designed, the number of sites is kept to a minimum and the use of existing buildings is encouraged.

### **Other Matters**

15. There are some historic buildings in the wider street scene including the Grade II listed No 65 – 67 High Street, which have architectural and historic qualities. They are viewed in the context of and their settings mainly comprise the busy widened high street and variety of buildings around it, contributing to a more modern commercial environment. Given the height and distance of the appeal site and the limited scale of the proposals, the proposed development would not result in any material harm in the way that the historic buildings are experienced, would preserve their settings and the significance of these heritage assets, in accordance with paragraph 193 of the Framework and Policy DM18 of the DMP.

### **Conditions**

16. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the Local Planning Authority otherwise agreed in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the Local Planning Authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place. Therefore, a specific additional condition suggested by the Council specifying the application documents is not necessary.

### **Conclusion**

17. For the reasons given above, the appeal should be allowed, and prior approval is granted.

*Dan Szymanski*

INSPECTOR