

Appeal Decision

Site visit made on 2 February 2021

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2021

Appeal Ref: APP/N5090/W/20/3258881

Thornfield Parade, Holders Hill Road, Barnet, London NW7 1LW

- 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) (GPDO).
 - The appeal is made by MBNL against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/2407/PNT, dated 23 May 2020, was refused by notice dated 10 July 2020.
 - The development proposed is a telecommunications installation: Proposed 20m AGL Phase 8 Monopole C/W wraparound cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity and precision, I have taken the postcode in the banner heading above from the Council's decision notice and appeal form.
3. There is no dispute that the proposal would accord with the requirements of Schedule 2, Part 16, Class A, Paragraph A.2(3) of the GPDO. Consequently, prior approval for the siting and appearance of the proposed development is required and is the subject of this appeal.
4. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

5. The main issues of this appeal are the effect of the siting and appearance of the proposed development on: i) the character and appearance of the appeal site and surrounding area; and, ii) pedestrian and highway safety.

Reasons

Character and appearance

6. The monopole mast and ancillary equipment are required to provide 5G coverage and support the existing mobile network. The proposal is described as an upgrade to the existing telecommunications site. However, the existing 10m

- mast and 5no. associated cabinets are sited in a different location on the footpath to the proposed development, alongside Dollis Road. The appellant has confirmed that that existing installation would be removed when the new mast and equipment have been installed, although the submitted drawings indicate that only 2no. existing cabinets would be removed. Consequently, I consider that the amount of equipment that would be introduced as result of the proposed development in conjunction with the cabinets that are to remain, would result in a concentration of structures that would result in visual clutter.
7. The site is located in a visually prominent and exposed location adjacent to Dollis Road with Thornfield Parade (the parade) beyond. I have had regard to the urban environment within which the appeal site is located, and other features such as street lighting, traffic signs, telegraph poles and the petrol station, 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 is present, I find this scheme to differ significantly from the case before me.
 8. Whilst, the existing installation, particularly the mast is visible within the street scene, it does not appear unduly prominent or visually intrusive within the context of the Parade, which is a 3-storey building with a dual pitched roof and, the adjacent street lighting columns and telegraph poles, due to its height, slim vertical design, with a height and column width which are not significantly greater than those of the lighting columns or telegraph poles. 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.
 9. As a consequence, the proposed development with little in the way of screening, would not successfully integrate with its surroundings, which includes the parade and street lighting and telegraph poles, due to the notable increase in height and column width. Consequently, the proposed development would appear as a stark, incongruous feature within the street scene that would visually dominate the 3-storey parade and its immediate surroundings. 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.
 10. My attention has been drawn towards an appeal decision¹ by the appellant. However, relatively little detail has been provided and this decision is located in a different area to the proposed development. I conclude that whilst there may be some similarities between this scheme and the case before me, there are also significant differences. In any event, the fact that other development may exist, even if there are similarities to the appeal scheme, is not a reason, on its own, to allow otherwise unacceptable development, and all decisions illustrate that every proposal has to be considered on its own particular merits.
 11. For the above reasons, I therefore conclude that the proposed development would harm the character and appearance of the appeal site and surrounding

¹ APP/M5450/W/20/3244354

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 (DMP), and the requirements of the National Planning Policy Framework (the Framework).

Pedestrian and highway safety

12. The site would be located on a section of pavement, which is located between Dollis Road and the one-way service road for the Parade. Due to the surrounding road network, particularly Holders Hill Circus, the width of the pavement notably increases in the immediate vicinity of the site as it turns a corner. The proposed development would be located opposite a lowered crossing point on the pavement, which would then in turn connect to the opposite side of Dollis Road by a central refuge and a further lowered crossing point. The proposed development would be close to the existing installation and the cabinets that have been identified for retention and the existing telephone box.
13. However, whilst the proposed development may create some inconvenience for pedestrians, such as removing a more direct and desirable route to the parade from the lower crossing point, the pavement is of sufficient width to allow pedestrian movement to flow freely. Additionally, and considering the submitted drawings, these show that following the installation, there would be a sufficient width of footpath remaining that would not require pedestrians to leave the footpath and enter the carriageway. I therefore conclude that the proposal would not harm pedestrian and highway safety.
14. For the above reasons, I conclude that the proposed development would not cause significant harm to pedestrian and highway safety. Therefore, the proposal would comply with the highway/pedestrian safety aims of DMP Policy DM17 and the requirements of the Framework.

Other Matters

15. Paragraph 112 of the Framework is clear that planning decisions should support the expansion of electronic communications networks. I have no reason to question the appellant's contention that the proposal is required to give coverage and capacity to the wider area. I also recognise the proposed installation has been designed to be shared between 2no. operators and would be available to the Emergency Services Network. These factors weigh in the proposal's favour.
16. 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 ICNIRP standards. Nonetheless, the compliance with ICNIRP standards is of neutral consequence in the assessment of this appeal.
17. The submission indicates that the existing installation would be removed if the proposed development is allowed. This could also be secured through the imposition of a suitably worded condition. Paragraph 113 of the Framework

also states that the use of existing masts is encouraged. However, in this instance, given the site and the existing installation, I cannot agree that the proposal would represent a replacement of a monopole or upgrade of an existing site.

18. On this basis, in Paragraph 115(c) of the Framework there is a requirement 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 is applicable. 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.
19. The appellant advises that the cabinets are permitted development and do not require prior approval. However, I am not convinced that there is a greater than a theoretical possibility that the installation of the cabinets on their own, might take place. Therefore, my conclusions on the main issues remain unaltered. I have also had regard to concerns raised by the appellant about the way that the Council handled the scheme, particularly regarding the request for pre-application advice, but this does not affect the planning merits of the case. 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

20. I acknowledge the potential economic and social benefits of the proposal detailed by the appellant, and the support given by the Framework towards a high quality and reliable communications infrastructure, including 5G networks, in supporting economic growth and social well-being.
21. In this instance, I have found no harm in respect of pedestrian/highway safety and I do not consider that the public benefits of the installation in terms of the enhancement of the telecommunications network, its contribution to economic growth and the operational and locational needs of the operators outweigh the significant harm that I have identified to character and appearance. This would conflict with parts of the environmental objectives set out in paragraph 8 of the Framework. Thus, the proposal does not constitute sustainable development.
22. Taking all matters into consideration, I conclude that the appeal should be dismissed, and that prior approval should not be granted.

W Johnson

INSPECTOR