



Appeal Decision

Site visit made on 26 January 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2021

Appeal Ref: APP/N5090/W/20/3261083

Farm Road, Edgware, London HA8 9QE

- 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.
 - The appeal is made by MBNL against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/2460/PNT, dated 28 May 2020, was refused by notice dated 27 July 2020.
 - The development proposed is a Proposed Telecommunications upgrade. Proposed 19.0m AGL Phase 8 monopole c/w wrapround cabinet at base and associated ancillary works.
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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 19.0m AGL Phase 8 monopole c/w wrapround cabinet at base and associated ancillary works at land at Farm Road, Edgware, London HA8 9QE in accordance with the terms of the application Ref 20/2460/PNT, dated 28 May 2020, and the plans submitted with it, including drawings 002B, 003B, 005B, 100B, 150B, 215B, 265B, all with the prefix '983126_BNT005_50634_HA0107_M002'.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 16, Class A, Part A.3 require the local planning authority to assess the proposed development 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.

Planning Policy

3. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have therefore had regard to the policies of the development plan, any related guidance and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposed mast upon the character and appearance of the area.

Reasons

5. The appeal site is a relatively large, open verge at the junction of Farm Road, Hale Lane and Upcroft Avenue. Hale Lane rises to the east of the site and drops to the west. As a result, the site is visible in views along Hale Lane, although in longer views, is set against the backdrop of the changing levels along Hale Lane. On and around the site are an existing mast with associated cabinets, as well as a post-box, street lights, signage, other utility cabinets and street furniture. I note that the Council Highway Department did not object to the proposal on highway safety grounds. Taking the above into account, I therefore consider that the siting of the proposal, to the rear of the verge, broadly in line with the existing infrastructure and well away from existing residential properties is acceptable.
6. The proposed mast would undoubtedly be relatively tall, and would be visible along Farm Road, Hale Lane and Upcroft Avenue. However, given the existing character and appearance of the site and surrounding verge, with existing telecommunication equipment, street-lighting columns and signage, all with an existing vertical emphasis, and surrounding built development and trees, I do not consider that the proposal would be unduly prominent or visually obtrusive. I note the suggestion that the proposal would give rise to an unacceptably cluttered appearance. However, the appearance of the site is, in my view already established as being host to various pieces of street furniture, and as such, I do not consider that the proposal would lead to an unacceptably cluttered appearance. I also note that the existing installation will be removed in due course.
7. In reaching this conclusion, I 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. I also note that policies and decisions should support the expansion of the communications network, and that the delivery of 5G infrastructure is specifically referenced. This type of infrastructure is an increasingly common and widespread element of street furniture, and as such, is no longer as unusual or jarringly different as it once was.
8. The Council has cited a number of development plan policies in their decision notice. Insofar as they relate to the siting and appearance of the proposal, I consider that the proposal accords with policies DM01 and DM18 of Barnet's Local Plan Development Management Policies Development Plan Document, September 2012 which seek, amongst other things, to ensure that development of this type protects the character and amenity of an area.

Other Matters

9. 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.

Conditions

10. Any planning permission granted for the appeal proposal 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 agree 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.

Conclusion

11. The proposal is therefore acceptable on the basis of its siting and appearance, taking into account any representations received, and for the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

S Dean

INSPECTOR