



Appeal Decision

Site Visit made on 17 February 2021

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 April 2021

Appeal Ref: APP/Q5300/W/20/3261242

Junction of Houndsden Road and Stone Hall Road, Winchmore Hill, London N21 1LP

- 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 MBNL against the decision of London Borough of Enfield.
 - The application Ref 20/02019/PAT, dated 27 June 2020, was refused by notice dated 13 August 2020. The development proposed is installation of a 20m high telecommunications monopole with equipment cabinets at base and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), 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 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.
4. Since the appeal was submitted, the Mayor of London has published the new London Plan (2021). The London Plan 2016 policies referred to within the Council's reason for refusal have therefore been replaced. The main parties were asked for comments relating to the new plan. However, none were received. As I have not been made aware of any relevant policies, I have not referred to the London Plan in my decision.

Main Issues

5. The main issues in this appeal are:
 - the effect of the siting and appearance of the development on the character and appearance of the area; and
 - the effect of the siting of development on the pedestrian environment.

Reasons

Character and Appearance

6. The appeal relates to a small area of grass verge alongside a busy road. The pavement running by the site doubles as a formal cycle path, with associated lighting and signage. To the rear of the site is a small wooded area, shown on the plans as a nature reserve. There are public rights of way (PROW) alongside and through the wood. Opposite the site, and either side of the wood is a predominantly residential area. There is an existing 11.7 metre monopole on an adjacent verge, along with an array of associated cabinets.
7. The Council's decision notice states that the existing masts and equipment adjacent to the site are to be retained. A letter submitted with the application dated 28 June 2020 and a document entitled 'Site Specific Supplementary Information' of the same date both refer to the existing equipment being retained. Other than in relation to one cabinet, the submitted plans also make no reference to the existing mast or cabinets being removed. This is contradicted in the appellant's appeal statement, which states that the existing mast and cabinets are intended to be removed once the proposal has been implemented.
8. The existing mast is clearly visible when travelling along Houndsden Road, which is a relatively long straight road, and when approaching the junction from Stone Hall Road. Although taller than nearby streetlights, its slimline and uncluttered design ensures that it does not appear as an unduly dominant or intrusive structure. The mast is also of a similar height to the trees to the rear, which helps to soften and filter views of the structure and mitigate any visual impact.
9. The same would not be said of the development. This would be significantly taller and wider than what is already in place. The mast itself would be around 8 metres taller than the existing feature and noticeably wider. The base would also be bulkier and more substantial. The mast would also be a busier and more cluttered structure, particularly near the top where the unshrouded antennas would be highly visible. The mast would tower above all existing vertical structures in the immediate area, including the trees to the rear. As such, it would stand out clearly and starkly against the skyline. The development would therefore have a much greater impact on the appearance of the area than the existing features.
10. The site is not within the setting of any designated heritage asset or statutory area of landscape protection such as a national park. Nevertheless, given the dwellings opposite, the likely use of nearby PROWs and the cycle path, this remains a highly prominent location. The overall width and bulk of the mast would ensure that it would not appear as a slimline or complementary feature in the street scene. I acknowledge there may be technical reasons why the mast must be of this height, width and design. Nevertheless, the development would still result in a highly prominent and visually intrusive structure. Its excessive height in comparison to any other nearby features and utilitarian appearance would not be in-keeping with the open and relatively verdant residential character of this area.
11. I would come to this conclusion whether or not the existing mast and cabinets were removed. There is a lack of clarity in the appellant's evidence as to their

intentions in this regard or any explanation as to how the removal of the existing equipment would be controlled. There are conditions within the GPDO which require the removal of equipment once it is no longer required. The information submitted with the original application casts some doubt as to whether the existing equipment would be considered redundant. No other conditions or mechanisms for removing the existing mast have been suggested. Were any of these structures retained, there would obviously be a greater cumulative impact on the street scene. Nevertheless, the scale and appearance of the proposal in isolation is sufficient to cause unacceptable harm to the character and appearance of the area.

12. Paragraph 113 of the Framework states that where new sites are required, telecommunications equipment should be sympathetically designed and camouflaged where appropriate. Notwithstanding the change in position of the equipment, I acknowledge that the adjacent verge is already an established location. However, when considering the overt difference in the scale and nature of the equipment proposed, the development should not escape the requirement for sympathetic design. For the reasons given above, the proposal fails this requirement.
13. The appellant contends that the Council accepted this was an appropriate location for this type of development when they approved the existing monopole. However, given the significant differences in scale and appearance, it does not follow that this has set a precedent for what is before me.
14. Notwithstanding specific reference to them in the description of development, the appellant has suggested the cabinets are not part of the proposal and would otherwise be permitted development. However, it seems unlikely that these would be installed without the associated mast and thus the consequence of allowing the appeal would be the provision of associated paraphernalia. If the existing cabinets were removed, then those proposed would have little impact, being similar to what already exists. If the existing equipment were to remain in place, then the additional cabinets would add to the amount of clutter in the street scene. However, they are not tall or intrusive features in themselves, would be few in number and would not be spread out over a long distance. While the cabinets would therefore have some cumulative impact, this would not be significant in comparison to the harm caused by the mast itself.
15. I therefore find that the siting and appearance of the development would have an unacceptably harmful impact on the character and appearance of the area. Insofar as they are a material consideration, this would conflict with Enfield Core Strategy (CS) (2010) Policy CP30 and Enfield Development Management Document (DMD)(2014) Policy DMD37. Amongst other things, these seek to ensure development is of a high quality which capitalises on opportunities to improve an area. It would also fail to meet the Framework's objectives for communications equipment to be sympathetically designed.

Pedestrian environment

16. The mast and cabinets would be located to the back of the grass verge near the edge of the pavement. The footway is reasonably wide and the equipment would not obstruct passing pedestrians or cyclists in normal usage. When the cabinets are open there would be potential for some encroachment into the footway. However, this would only be an issue during periods of maintenance.

These are unlikely to be frequent or long-term events and thus any obstructions would be rare and short lived. On this basis, risks to the flow or safety of pedestrians or cyclists would be extremely low.

17. The siting of the telecommunications equipment would not have an unacceptably harmful impact on the pedestrian environment. Accordingly, there would be no conflict with CS Policy CP25 or DMD Policy 47 which seek, amongst other things, to ensure development provides safe, convenient and accessible routes for pedestrians and cyclists. There would also be no conflict with paragraph 109 of the Framework, which seeks to resist development which results in unacceptable safety risks.
18. The Council has referred to CS Policy CP24 in its reason for refusal, but this does not deal specifically with the effects of new development on pedestrian safety and thus is not directly relevant.

Other Matters

19. Paragraph 112 of the Framework advises that high-quality communications infrastructure is essential for economic growth and social well-being. It also states that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology such as 5G.
20. The development would ostensibly enable 5G coverage in this area. The appellant has also suggested it would enhance 4G and Emergency Services Network (ESN) provision. Although no evidence relating to local coverage has been provided, the broad economic and social benefits of this are recognised and weigh in favour of the proposal. The development would also facilitate the sharing of equipment between operators which ought to help minimise the number of installations required. This is consistent with the objectives of national policy.
21. However, there is limited evidence to suggest the appellant has considered any other locations or approaches that would be less harmful to the character of the area. Paragraph 115 of the Framework indicates that for new masts there should be evidence that the applicant has considered erecting antennas on existing buildings, masts or other structures. The appellant suggests that given the existing mast would be replaced, this constitutes an upgrade. However, this is very clearly a new mast. In this context I would have expected some evidence that alternative locations had been considered. As noted above, reliance on evidence submitted to support the existing equipment, which is not before me, is not sufficient justification.
22. The appellant suggests there is a 'hole' in 5G coverage in this area, but no evidence has been provided which substantiates this. There is therefore no clear evidence which demonstrates what a reasonable or realistic area of search would be to ensure adequate 5G coverage. For example, the appellant contends that they have sought to locate the site as far from residential properties as possible while still allowing expected levels of digital coverage. However, no clear evidence has been provided which demonstrates this is the case. There is therefore insufficient evidence to conclude that there are no alternative locations in the area that could provide the same benefits without the same degree of harm to local character.

Planning Balance and Conclusion

23. I have given substantial weight to the economic and social benefits of the proposal. However, I am not persuaded by what is before me that these justify or outweigh the significant harm the siting and appearance of the mast would have on the character and appearance of the area.

24. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR