



Appeal Decision

Site visit made on 27 April 2021

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2021

Appeal Ref: APP/Q5300/W/20/3262747

North Circular Road/Oakthorpe Road, Bowes, London N13 5JF

- 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 HUTCHISON 3G UK LTD against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/02110/PAT, dated 3 July 2020, was refused by notice dated 27 August 2020.
 - The development proposed is described as Proposed telecommunications installation: Proposed 18m 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. The description in the banner heading above is taken from the application form. This differs from the decision notice and appeal form, which refer to a 15m monopole. The originally submitted plans are for an 18m high monopole, but during the consideration of the application, amended plans were submitted reducing the height to 15m. The Council made its determination on this basis and so shall I.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require an Authority to assess the development solely on the basis of its siting and appearance, taking into account any representations received. The appellant has advised the cabinets do not require prior approval due to their size and function, and I see no evidence to the contrary. I have determined this appeal on this basis.
4. The principle of development is established by the GPDO, and its provisions do not require regard to be had to the development plan. I have had regard to policies of the development plan, any related guidance, and the National Planning Policy Framework (2019) (the Framework) only in so far as they are relevant to matters of siting and appearance.

5. On 2 March 2021 the London Plan (2021) was published, replacing the London Plan (2016). The Council and appellant have been given the opportunity to comment on the implications of this.

Main Issue

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

Reasons

7. The appeal site forms part of one of two pieces of grassland either side of the junction of Oakthorpe Road with the busy A406 to its south and petrol filling station and business premises to its east. The surrounds to the north, west and much of the south and east comprise relatively consistent mostly two storey dwellings on generously sized often verdant plots adjoining the A406 corridor or residential roads. Due to its open nature and visibility the appeal site and surrounding green space makes a positive contribution to the character and appearance of the area.
8. The A406 corridor in this location is characterised by relatively consistent two and three storey residential development either side, some well-spaced thinly profiled streetlamps, and some low level street furniture and signage. Based upon the plans before me the monopole would be approximately 6.8m higher than the nearest streetlamps and would also be considerably higher than those on the A406. It would also be considerably greater in diameter increasing significantly at the apertures towards the top of the monopole which would be up to approximately 0.46m in diameter. Consequently, the monopole would be considerably and discordantly taller and a more substantial structure highly visible above nearby dwellings, trees, and built development.
9. Given its surroundings, the substantial height, shape, upper diameter, and siting of the monopole would have some discernibility for a significant distance along the A406 which the appellant's evidence suggests would be approximately up to 450m in each direction. Therefore, some visibility would be prolonged rather than fleeting. Inevitably its substantial scale would be more appreciable in proximity, particularly given the siting on open grassland close to a relatively open junction surrounded by much lower level development.
10. Therefore, the monopole would be visible several metres higher and considerably above surrounding development and traffic as a large discordant and jarring feature from part of the A406 and sizeable parts of surrounding residential roads. The harm, dominance and incongruence would be particularly appreciable given its siting on a largely open and verdant green space. It would be highly discernible from a number of neighbouring properties and gardens despite few dwelling windows directly facing it, and when using the pedestrian footways across and around the grassland.
11. Therefore, its siting and appearance would be at odds with and results in significant harm to the character and appearance of the area. While the colour of the monopole might be secured by a suitably worded condition, given the siting and appearance of the proposal, it would not overcome the harm identified. Furthermore, in combination with existing streetlamps and signage

it would result in a cluttered public realm around the appeal site and junction which adds to the harm.

12. A sequential approach to site identification was adopted, showing 13 discounted options in the search area, of which I viewed a number of the locations at my visit. Having regard to the nature and extent of the search area, the evidence before me is very brief. The full details of the application of the sequential approach to the search area, including the exact nature of and explanation of why each of the other sites or areas are discounted, is not fully or adequately justified. Therefore, having regard to the appellant's efforts to engage with the Council, it is not demonstrated by the evidence that is before me, that other more suitable and less harmful sites do not exist.
13. For the reasons set out above the appearance and siting of the monopole would be significantly harmful to the character and appearance of the area. In so far as they provide advice and are a material consideration in respect of siting and appearance, the development would conflict with Policy CP30 of the Enfield Plan Core Strategy (2010) (the CS) and Policy DMD37 of the Enfield Development Management Document (2014) (the DMD). Amongst other things these expect development to be of a high quality having regard to and being appropriate to its context, and to provide an attractive and uncluttered public realm. It would also conflict with paragraph 127f) of the Framework which seeks development is sympathetic to local character including the surrounding built environment and landscape setting.
14. The Council's reason for refusal refers to Policies 7.1, 7.4 and 7.5 of the London Plan (2016). However, it is my understanding that these have now been replaced, and I have not been provided with any equivalent subsequently adopted policies in the London Plan (2021).

Other Matters

15. The ICNIRP certificate before me refers to plan no. ENF14690_M001, which is the drawing reference no. for the plans for the 18m high proposal, and not the 15m proposal. The notifications I have been provided with by the appellant under Paragraph A.3. (2) of Schedule 2, Part 16, Class A of the GPDO also refer to an 18m high monopole, and not the 15m high monopole. However, as I am dismissing this appeal, I have not investigated these matters further.

Planning Balance & Conclusion

16. There is support for telecommunications infrastructure in the Framework and it supports the expansion of electronic communications networks, emphasising that high quality and reliable communications infrastructure is essential for economic growth and social well-being. Improving mobile connectivity and digital inclusion would have economic, social, health, well-being, and sustainability benefits. There is also understood to be some support from policies in the previous London Plan (2016), and the DMD and CS. However, the number of masts and sites should be kept to a minimum and the use of existing masts, buildings and other structures is encouraged.
17. This new site is required to upgrade the UK H3G (Three) network to provide improved coverage of network services, capacity, and new 5G technology locally in an area I am advised has acute capacity issues. The proposed equipment is the minimum capable of meeting the appellant's requirements at

this site. I am advised the search area is highly constrained, with a particular need for new sites with separation from certain equipment.

18. It is suggested this proposal represents an optimum solution in terms of pavement width and underground services and is the only viable solution that minimises amenity issues. However, this has not been fully explained or justified by the appellant. Having regard to the limited evidence before me in respect of other sites, it is not demonstrated that other more suitable and less harmful sites for the development do not exist, which weighs against the proposal.
19. There would be benefits arising from the development outlined above. However, the siting and appearance of the monopole would result in significant harm to the character and appearance of the area, with consequent conflict with the development plan and the Framework, which attracts significant weight against the scheme. While options for siting the development are limited by technical and operational constraints, the evidence does not demonstrate that there are no alternative sites available which would be less obtrusive and harmful. Consequently, based upon the evidence before me in this case, the harm from its siting and appearance would not be outweighed by the benefits of this development.
20. Therefore, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR