



Appeal Decision

Site Visit made on 20 April 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 June 2021

Appeal Ref: APP/Y5420/W/21/3266419

Telecommunications Site 78360, Whittington Road, Jcn Bounds Green Road, New Southgate, Haringey N11 2PP

- 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 Everything Everywhere Limited against London Borough of Haringey.
- The application Ref HGY/2020/2385, is dated 14 September 2020, was refused by notice dated 2 November 2020.
- The development proposed is described as "Installation of 1no 15m monopole with 2no 300mm dishes, 2no equipment cabinets and associated ancillary works thereto".

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has provided revised drawings¹ in support of the appeal. These plans remove two dishes from the proposed monopole and also clarify the location of the equipment within the site area. I have considered these revisions under the principles established by the Courts in Wheatcroft² and I am satisfied that the drawings do not change the development to such a degree that to consider them would deprive those who should have been consulted on the drawing, the opportunity of such consultation. I have therefore determined the appeal on the basis of the drawings submitted with the application and the amended plans.
3. Since the appeal was submitted, the Mayor of London has published the new London Plan 2021 (LP). The London Plan 2016 policies referred to within the Council's reason for refusal have therefore been replaced. The Council refer to the London Plan 2021 within its written statement and cite Policy HC1 (Heritage conservation and growth), of which a copy was also provided. I am satisfied that the appellant would have had the opportunity to consider Policy HC1 as part of its final submissions.

Main Issues

4. The appeal concerns a proposed telecommunications development that was refused prior approval by the Council under the terms of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). Within certain limits the GPDO grants

¹ Drawings 78360_Whittington Road SW_003 A6 and 78360_Whittington Road SW_004 A6

² Bernard Wheatcroft Ltd v SSE & Harborough DC [1982] P&CR 233

permission for the development of telecommunications equipment subject to a prior approval procedure. The GPDO makes it clear that the relevant issues to consider when assessing applications of this type are the siting and appearance of the proposed development, taking into account any representations received. My determination of this appeal has been made on the same basis.

5. 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 and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of appearance and siting.

Reasons

6. The appeal site forms part of a pavement that lies on the corner of Bounds Green Road and Whittington Road. The pavement is wider as it turns in to Whittington Road, narrowing at either end. The area contains a variety of size and style of buildings, including both residential and commercial properties. Bowes Park Conservation Area (BPCA) abuts the appeal site to the east. Therefore, the site is within the setting of a designated heritage asset, which the Framework defines as the surroundings in which an asset is experienced.
7. Bounds Green Road is a major throughfare in the area and contains a variety of vertical structures such as galvanised fencing along the road and the bridge that crosses the railway line beneath, along with bus shelters, trees, street lighting, traffic signs and other structures that are typical in such a busy urban location. However, the character of the area is decidedly different within the BPCA, where it becomes predominantly residential, with terraces of properties, some of which are set back from the road with garden and parking areas to the front. This gives the BPCA a pleasant, open and suburban character with more discrete street lighting and less street furniture, which, along with a degree of uniformity, I find to be part of the significance of the designated heritage asset.
8. There is a row of bollards that line the kerb as it turns into Whittington Road, along with a traffic speed sign and a large advertisement hoarding attached to the fence to the rear of the pavement. Also, very close to the site is an additional traffic sign and street lighting columns. The fence marking the rear of the pavement has trees behind and separates the land to the north, which includes a residential property and a railway line beyond. An area of tactile paving marks a pedestrian crossing point across Whittington Road.
9. The vertical emphasis of existing street furniture and mature trees are evident within this street scene. However, they are of a lower level than the appeal proposal. This part of Bounds Green Road has a straight alignment which emphasises the visual rhythm of these street features which arises from their placement, which more often than not is on the outer side of the footway nearest the kerb line.
10. Taking a step back to view the site from the small supermarket on Trinity Road and across the pedestrian crossing over Bounds Green Road, the visual arrangement of street furniture as Bounds Green Road rises to the north, existing street lighting columns are very noticeable against the skyline. Although the proposed monopole would be seen as part of the existing vertical structures that are visible within the street scene, it would be unduly intrusive within its surrounding context from either longer distance or more immediate

vantage points as a result of its overall width and bulbous shroud atop the monopole.

11. Moreover, the addition of the proposed monopole would be a tall and prominent feature within the street scene. It would be considerably higher than existing trees and street furniture. Despite its design, it would result in an unacceptable visual impact by creating an undesirable focal point that would be evident to people in the area, including users of Bounds Green Road heading north, from within the BPCA looking west and on entering the BPCA from the east. The trees behind the rear fence provide a transition between the height of lower surrounding street features and I accept that their canopies would soften the presence of the development when they are in full leaf. However, at the time of my visit, the trees were not in leaf and it was possible to see through the canopies to the sky beyond. Thus, notwithstanding the trees to the rear of the site, it is evident that the proposal would be noticeable against the skyline for several months during the year, resulting in an exposed feature within the street scene.
12. In addition, the proposed monopole and equipment cabinets would be positioned to the rear of the pavement with the mast closest to the existing advertisement hoarding. The appellant has provided revised plans to indicate that a distance of some 2.5m between the equipment cabinets and the pavement edge would be provided post development, which is considered sufficient to allow the safe passage of pedestrians.
13. However, the plans indicate a measurement taken from the edge of the kerb and does not take into account the existing bollards that run along the kerb edge, which further reduces the overall width of the pavement. Although the pavement is wider at its central point it is narrower where it curves into Whittington Road. As a result, taking the distance from the bollards from the corner of the cabinet that would be closest to the pavement, the width available for pedestrians to pass would be somewhat lower than the 2.5m suggested.
14. This distance would be even lower when one takes into account the bollards that sit to the east of the tactile paving, which is in situ to alert blind and partially sighted persons that there is a crossing. Notwithstanding speeds of traffic as it enters or exits Whittington Road, the site is on the corner of a very busy road and pedestrians would need to simultaneously assess traffic from Bounds Green Road and Whittington Road, while preparing to cross. Given the narrowing of the pavement created by the cabinets, it has the potential for a pinch point whereby pedestrians waiting to cross would hinder the progress of other pedestrians, especially those with children in prams or pushchairs and those with mobility issues.
15. I therefore conclude that the siting and appearance of the development would have a significant adverse visual effect, and as such, would not preserve the setting of the BPCA. It would also cause significant harm to pedestrian safety. Although not determinative, it would be contrary to Policies DM1, DM3 and DM9 of the London Borough of Haringey Development Management 2017 (DPD), Policies SP11 and SP12 London Borough of Haringey Local Plan Strategic Policies 2013 (SP) and Policy HC1 of the LP which seek, amongst other things, that installations for telecommunications equipment are located discretely and do not detract from the special character or appearance of heritage assets and contribute towards a safe and attractive environment.

Other Matters

16. The appellant refers to an equipment cabinet that is on Palace Road, some 30m north west of the appeal site. I have not been made aware of the circumstances that led to this particular cabinet being installed on a narrow pavement to enable me to make a direct comparison to the development before me. Moreover, this particular site only contains a single equipment cabinet and does not lie adjacent to the BPCA. Furthermore, the existence of development elsewhere does not represent an appropriate reason to find in favour of a proposal that would otherwise cause harm.
17. I note that representations were made by local residents, some of whom raise additional concerns. However, given my findings on the main issues, it is not necessary to consider these matters in detail.

Planning Balance and Conclusion

18. I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the BPCA. For the reasons set out above, the proposal would harm the significance of the BPCA. Whilst the harm would be less than substantial, it is necessary that I weigh this harm against the public benefits of the proposal. However, although the harm is less than substantial, it should not be treated as a less than substantial objection to the proposal and, in accordance with paragraph 193 of the Framework, great weight must be given to the asset's conservation.
19. I acknowledge, in accordance with paragraph 112 of the Framework, the importance of good, fast, reliable, and cost-effective communications. Moreover, there is no question that the equipment is required to achieve the necessary standard of network coverage, or that the mast's dimensions are the minimum possible. Weight has been attached to all these matters. I have also balanced the proposal against the public benefits that would ensue, particularly since the Covid-19 pandemic which has seen an increased reliance on such services, the lost coverage within the area and the railway line, technical constraints, and furthermore I fully appreciate the significance of the telecommunication industry in its role to grow the economy. The discounted sites, its appearance within the street scene as well as the other evidence presented together with the justifications put forward by the appellant, have all been given due regard in my assessment. However, despite the evidence presented, bringing all these factors together, the harm I have found that would arise to the character and appearance of the area and the setting of the BPCA does not weigh in favour of the proposal for prior approval.
20. Thus, for the reasons given above, the appeal is dismissed.

Graham Wyatt

INSPECTOR