



Appeal Decision

Site Visit made on 30 July 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th August 2021

Appeal Ref: APP/Y5420/W/21/3269954

Lordship Lane Service Station, Lordship Lane, Wood Green, London N22 5LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Spyder Facilities Ltd against the decision of London Borough of Haringey.
 - The application Ref HGY/2020/1706, dated 3 July 2020, was refused by notice dated 28 August 2020.
 - The development proposed is described as replacement of 16m high mast and existing equipment cabinets with upgraded 20m high slimline mast supporting antennas and dishes, 7No. new cabinets at ground-level, plus ancillary development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, the Government published its revised National Planning Policy Framework (the Framework). It replaces the previous version published in February 2019. The Framework represents the Government's up-to-date planning policies for England and how they should be applied.
3. Since the original decision The London Plan 2021 has been published by the Mayor of London. The policies contained in The London Plan 2021 replace those of The London Plan 2016 referred to in the Council's original decision and as such those policies are no longer relevant.

Main Issues

4. The main issues are the effect of the proposed development on 1) the character and appearance of the area and 2) the living conditions of occupants of 569-571 Lordship Lane with regard to outlook.

Reasons

Character and appearance

5. The appeal site is located within the forecourt of the Lordship Lane Petrol Filling Station that has the composition of a relatively typical filling station, comprising a canopy with pumps beneath, a shop/kiosk and associated hardstanding areas and advertisements. There is light industrial use in utilitarian buildings to the rear of the filling station that is accessed via the forecourt. There is a small shopping area to the west of the filling station, however the surrounding area is otherwise predominantly residential in nature.

6. There is an existing telecommunications installation of 16m in height within the filling station forecourt. It is situated on the opposite side of the forecourt to the proposed installation and is adjacent to the side elevation of a block of flats and some trees. This is proposed to be removed.
7. The proposed installation would be significantly taller than the existing monopole and the surrounding buildings and associated installations of the filling station. It would be prominently located towards the front of the forecourt at a point where there is a marked bend in the road. The width of the column and the headframe would also significantly increase the prominence of the installation. I do not consider that the existence of what is an already highly noticeable mast that is to be replaced, justifies the installation of another mast of greater height in a more prominent position.
8. The proposed installation would therefore, as a result of its height and appearance, be highly visible from a wide area. It would represent an incongruous and dominant addition in the street-scene.
9. For these reasons, the proposed development would cause significant harm to the character and appearance of the area. It would be contrary to Policy SP11 of Haringey's Local Plan – Strategic Policies (2017) and Policies DM1 and DM3 of Haringey's Local Plan – Development Management DPD (2017). Collectively, these policies require that all development should enhance and enrich the built environment having regard to the scale and massing prevailing around the site, and that for telecommunications equipment, it should not have an adverse impact on the street-scene.

Living conditions

10. The proposed installation would be positioned in close proximity to the side elevation of 569-571 Lordship Lane. The Council state that this distance is 5m. These are residential properties with habitable room windows in the side elevation.
11. Although these windows take in views of the existing filling station and its associated paraphernalia, the proposed installation would be in much greater proximity. Whilst the existing trees would provide some screening, this would only be particularly effective when the trees are in leaf and their screening effect would be diminished at other times. The result is that due to its height and appearance, the monopole would appear highly prominent when viewed from 569-571 Lordship Lane and cause harm to their outlook.
12. For the reasons set out above, the proposed development would cause significant harm to the living conditions of the occupants of 569-571 Lordship Lane with regard to outlook. In this regard, it would be contrary to Policies DM1 and DM3 of Haringey's Local Plan – Development Management DPD (2017). These policies require that development proposals must ensure a high standard of amenity for neighbours and that telecommunications equipment should only be permitted where there is no significant adverse impact on the visual amenity of neighbouring occupiers.

Other Matters

13. The Framework outlines the significance of high-quality telecommunications infrastructure including in relation to being essential for economic growth and social well-being. The Framework also outlines that masts and sites should be

kept to a minimum, thereby site sharing between operators, as in the appeal proposal, would be consistent with this requirement. The appellant has also highlighted the increased significance of the network during the covid-19 pandemic that has created a greater concentration of home working and demand, however this is likely to be temporary with lockdown easing. Nevertheless, these factors weigh strongly in favour of the proposal.

14. The appellant has submitted a copy of the document '5G and Future Technology – Delivering the UK's Telecoms Future' (2019). This document outlines the significance of the 5G network and the rollout of new equipment. The appellant has also submitted a copy of the document 'Councils and Connectivity - How local government can help to build mobile Britain' (2018). This document outlines the mobile industry's view on how local government can create an environment that is conducive to the building of mobile infrastructure. Although these documents echo the Framework in outlining the significance of the network, they do not appear to have been through any public examination and I give them little weight in the appeal.
15. I have been referred to a number of previous appeal decisions where the weight given to such matters as mast sharing and the need for the development in terms of its contribution to the provision of telecommunications infrastructure outweighed any harm. I do not have full details of the proposals or their locations. However, each case must be decided upon its own merits.
16. I concur with the previous Inspectors that a balancing exercise should be carried out and the need to provide additional telecommunications coverage within the locality, and the Government's support for telecommunications infrastructure, are essential parts of that exercise. However, in this instance I do not consider that the operational and locational needs of the operator, or the fact that two operators will be accommodated within the installation, outweigh the significant harm I have identified from the siting of the monopole in this particular location.
17. The appellant has also referred to the fact that the operator has been awarded a contract by the Home Office to provide the new Emergency Services Network (ESN) that will shortly replace the current Airwave system used by the emergency services. I have not however been provided with any evidence to demonstrate the significance of the proposed installation in this context or that there is a specific need or demand for the proposal to meet a deficiency in the ESN. I therefore give this argument little weight.

Planning Balance and Conclusion

18. 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 the character and appearance of the area and the living conditions of surrounding residents.
19. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR