
Appeal Decision

Site visit made on 10 August 2021

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2021

Appeal Ref: APP/N5090/W/21/3267445

Land opposite 197/199 Mays Lane, Barnet EN5 2DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended 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) (GPDO).
 - The appeal is made by Hutchison 3G UK Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref: 20/5557/PNT, dated 15 November 2020 was refused by notice dated 11 January 2021.
 - The development proposed is a 15m Phase 8 monopole C/W wraparound cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address in the banner heading above is taken from the appeal form and decision notice in the interests of precision.
3. The provisions of the GPDO, under Schedule 2, Part 16, Class A sub-paragraphs A.3.(4) and A.3.(7) 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.
4. A new version of the National Planning Policy Framework (the Framework) was published in July 2021. The new Framework echoes and reinforces policy relevant to the main issue in this case. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have had regard to policies of the development plan only insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issue

5. The main issue is whether or not prior approval should be given in respect of the siting and appearance of the proposed development, with particular regard to the proposal's effect on the character and appearance of the area.

Reasons

6. The appeal site is part of a mainly grassed traffic island in front of a neighbourhood shopping parade.

7. The parade comprises a two-storey terraced row of shops within a mainly residential area. Notwithstanding a more recent three storey building west of the parade, traditional two-storey, twentieth century pitched roof dwellings prevail in the area. From what I saw during my site visit, albeit a snapshot in time, the vicinity of the site is apparently relatively busy with a steady flow of passing vehicle traffic, and footfall of people using the local shops and facilities. A nearby school and community centre further contribute to the well-used community hub feel of the locality. Moreover, the site is located close to the intersection of Mays Lane, Manor Road and Leaside. It is also located on a brow of land, with Mays Lane rising gently up towards it in a westerly direction. Thus, the site is located at a particularly prominent node in a neighbourhood of mainly traditional suburban character and relatively modest building height.
8. Lighting columns, telegraph poles and trees are vertical elements in the vicinity of the site. However, the proposed top of tower would be almost twice the height of the lighting columns in the vicinity, and would rise well above the ridge height of the nearby row of shops in the neighbourhood parade. As such, the proposed monopole would tower above the neighbourhood's suburban townscape. The elevated bulk of the antenna would be visible against a backdrop of the sky from various viewpoints and further draw attention to the monopole's incongruous height and bulk.
9. Consequently, the proposal would be discordant with the character and architectural scale of the neighbourhood, and appear jarringly out of place in the locality. Given the above combination of factors, the siting and appearance of the development would be intrusive to people approaching and using the parade and other nearby facilities.
10. The 3m reduction in height compared to a previously refused monopole scheme on this site¹ does not alter my above findings.
11. I therefore conclude that the proposal would significantly harm the character and appearance of the area. As such, it would conflict with Policies DM01 and DM18 of Barnet's Development Management Policies which together require development to complement local character and appearance. I take account of the policies insofar as they are relevant to matters of siting and appearance.

Planning Balance and Conclusion

12. Paragraph 114 of the Framework supports the expansion of electronic communications networks. The appellant's Site Specific Supplementary Information indicates that (a) the proposed height of monopole is the minimum necessary to achieve the 'required network coverage in this area', (b) the proposal would deliver the enhanced data speed and capacity of 5G in the EN5 postcode area, and (c) this is within a highly constrained cell search area. The proposal would enable 5G network coverage in the area, including for use by the Emergency Services Network. As such, the proposal would support growth and provide substantial socio-economic benefits.
13. Nevertheless, paragraph 130 of the Framework emphasizes the need for development to be sympathetic to local character, and paragraph 115 of the Framework recognises the need for development, including telecommunications equipment, to be sympathetically designed. For the reasons described above,

¹ Application Ref: 20/3067/PNT.

the proposal would result in significant harm to the character and appearance of the area at this particularly prominent neighbourhood node.

14. Taking the above together, I conclude that the benefits of the proposal would not outweigh the significant harm to the character and appearance of the area which would result from the siting and appearance of the development. Accordingly, for the reasons given, the appeal fails.

William Cooper

INSPECTOR