
Appeal Decision

Site Visit made on 1 September 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2021

Appeal Ref: APP/Q5300/W/21/3271927

Area of footpath, High Street, Southgate, London N14 6EE

- 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 Limited against the decision of the London Borough of Enfield.
 - The application Ref 20/03994/PAT, dated 9 December 2020, was refused by notice dated 2 February 2021.
 - The development proposed is the erection of an 18 metre high Phase 8 telecommunications pole with built-in cabinet, 3no. separate cabinets and ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) 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 appeal site is located within the Southgate Green Conservation Area (CA) and the statutory requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
4. 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 to 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.
5. The London Plan (2021) (LP) has been adopted in between the time the application was determined and submission of the appeal. Policies 6.10, 6.11, 7.4, 7.5, 7.6 and 7.8 of the London Plan (2016), listed in Council's reasons for refusal, have been superseded by new Policies in the LP namely D1, D4, D8 and HC1. The aims of both sets of policies are broadly similar and I am satisfied that no interested party has been prejudiced by this change of policy.

6. The revised National Planning Policy Framework (the Framework) has been published since the appeal was submitted. My decision is made in the context of the revised Framework. I am satisfied that no interested party has been prejudiced by my approach as no revisions have been made to the contents of the chapter relating to high quality communications.

Main Issues

7. The main issues are:

- The effect of the proposed development upon the character and appearance of the area including whether it would preserve or enhance the character or appearance of the CA; and
- The effect of the proposed development upon the pedestrian environment.

Reasons

Character and appearance

8. The CA derives its significance from the area's development as a village centred on The Green, which has a spacious and semi-rural feel. The High Street is the more densely settled historic and commercial core of the former village. The width of the road, pavement and low scale of the buildings and its resultant spaciousness contributes to the significance of the CA.
9. The appeal site relates to an area of pavement on the High Street. The immediate context is formed of low-rise buildings with a largely modest scale. This section of pavement is visually prominent due to the linear road alignment and the low scale and position of buildings.
10. I acknowledge that radio antennas must be clear of obstructions. However, the proposed development would appear as an unduly stark and incongruous feature within the street scene and out of keeping with its context. It would be considerably prominent projecting significantly above the built form, trees and street lighting. There are vertical elements along the streets in the form of streetlights and pockets of trees, but they are commensurate with the height of buildings in the area.
11. Seen in views over long distances, the proposed development would be at odds with the modest low scale of the built form in the area. This visual impact would be compounded by the thickness of the monopole and the antenna at the highest part. The trees located outside Ellington Court would offer little in the way of screening due to their position on the opposite side of the road.
12. The number and scale of the cabinets would add to the visual impact of the mast, creating a run of cabinets of varying heights and appearance. In my view, the proposal would result in a cluttered and crowded appearance to a part of the street which is currently open eroding the sense of spaciousness that exists. In this instance, I am not persuaded that painting the pole and cabinets in black would overcome the harm that I have identified.
13. Consequently, the proposed development would fail to preserve or enhance the character or appearance of the CA. Whilst the harm I have identified would not result in substantial harm, it would still result in harm that requires clear and convincing justification. Paragraph 202 of the Framework states that where a

development proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.

14. The proposed development would improve telecommunications coverage in the area benefitting its users. However, the benefits of the proposed development do not outweigh the harm to the heritage asset. The statutory duties in Section 72(1) of the Act are matters of considerable importance and weight. I consider the proposed development fails to accord with these duties.
15. I conclude that, due to its siting and appearance, the proposed development would have a harmful effect upon the character and appearance of the area and so, insofar as they are a material consideration, would be contrary to the aims of Policies CP30 and CP31 of the Core Strategy (2010) (CS); Policies DMD37 and DMD44 of the Development Management Document (2014) (DMD) and Policies D1, D4, D8 and HC1 of the LP which, amongst other things, seek to ensure that development in the public realm is high quality and design-led, appropriate to its context and is related to the local and historic context and conserves and enhances the special interest, significance or setting of a heritage asset.

Pedestrian environment

16. Along with the mast the proposed development includes the installation of 3 cabinets. The mast and the cabinets would be positioned close to the back of the pavement reducing its width. At the time of my site visit I noted that an area for the parking of bicycles had been marked out occupying a sizeable area on the pavement in front of the proposed location for the mast and cabinets.
17. Consequently, the presence of parked bicycles and the mast and cabinets would lead to a section of uncharacteristically narrow pavement close to the road junction with Meadway creating a pinch point and an obstruction. This would adversely affect the movement of pedestrians along the pavement, notwithstanding the guidance contained within Manual for Streets and Inclusive Mobility.
18. Whilst I acknowledge that visits to the apparatus from engineers would be infrequent and managed accordingly this would not overcome the harm that I have identified in relation to this matter.
19. I acknowledge the appeal decision referred to by the appellant. However, every appeal must be considered on its own merits, as I have done. The example provided does not lead me to reach a different conclusion on the matter.
20. As such, I find that the proposed development would adversely affect pedestrian movement contrary to CS Policies CP24 and CP25, DMD Policy 47 and LP Policy D8 which, amongst other things, seek safe, convenient, and accessible routes for pedestrians, cyclists and other non-motorised modes; a public realm that is well-designed, safe, accessible, inclusive, attractive and ensure both the movement function of the public realm and its function as a place are provided for.

Other Matters

21. The Framework advises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-

being. It also outlines that the expansion of electronic communications networks, including next generation mobile technology, should be supported. The LP also encourages the provision of digital infrastructure in order to support modern society, smart innovation and regeneration.

22. The mast is required to provide new 5G network coverage in the area. I acknowledge that care has been taken to site the proposed development away from listed buildings. I note that cell coverage is constrained and there are a lack of suitable locations and site sharing is not a viable option therefore the proposed site is the only realistic option. I also acknowledge the economic and social benefits associated with such development as set out in Paragraph 114 of the Framework.
23. However, I must balance this against the requirement for equipment to be sympathetically designed and camouflaged where appropriate, as well as the overarching imperative in the Framework for development to achieve well-designed places for the long term and the desirability of sustaining and enhancing the significance of heritage assets.
24. For the reasons set out above I find that the proposal would be harmful to the character and appearance of the area and would fail to preserve the character and appearance of the CA, and do not consider that harm to be outweighed by the general support in the Framework for high quality communications.

Conclusion

25. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR