



Appeal Decision

Site Visit made on 19 October 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2021

Appeal Ref: APP/V5570/W/21/3274438

Area of Footpath, Fairbridge Road, Upper Holloway, London N19 3HS

- 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 (as amended).
 - The appeal is made by Hutchison 3G (UK) Limited against the decision of London Borough of Islington.
 - The application Ref P2021/0023/PRA, dated 29 December 2020, was refused by notice dated 22 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.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), under Article 3(1) and Schedule 2, Part 16, Class A, requires 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. Since the submission of the appellant's appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this I have sought the views of the main parties in writing and comments received have been taken into consideration.

Main Issues

4. The main issues are the effect of the proposal on (i) the character and appearance of the surrounding area and (ii) highway safety with regards to footpath width.

Reasons

Character and appearance

5. The area surrounding the appeal site is characterised by a mix of commercial and residential properties. The surrounding area is a typical urban area with common street furniture including street lighting, road signs and trees.

6. The proposal would be significantly higher than existing structures in the area and would appear out of keeping with features such as nearby street lighting. There are trees and buildings in the area which are similar in height to the proposed mast that would be painted black and also positioned against a back drop of the adjacent depot and commercial premises. However, given the design, mass and scale of the proposal, it would appear as a discordant feature that would dominate the street scene and detract from the visual setting of the surrounding area.
7. The proposal would be an incongruous feature that would be harmful to the character and appearance of the surrounding area. The proposal would be contrary to Policy CS8 of the Islington's Core Strategy 2011, Policies DM2.1 and DM2.7 of the Islington's Local Plan: Development Management Policies 2013, Policy SI6 of the London Plan 2021 and the Islington Urban Design Guide Supplementary Planning Document 2017 which seeks development to be of high quality design and not have a detrimental effect upon the character or appearance of an area.

Highway safety

8. The proposal which includes the telecommunications pole and a number of cabinets would be positioned to the rear of the footpath. The proposal would narrow the footpath in this location however, there would still be ample space for pedestrians to pass without the proposals being an obstruction. I note that when the cabinet doors are open, this would further reduce the width of the footpath, although the appellant has indicated that the doors could open by 180 degrees. It is unlikely that the cabinet doors would be open on a regular basis therefore disruption from this would be limited. The proposal would not have a detrimental effect on highway safety with regards to the footpath width.

Other Matters

9. I have had regard to the appellants statement of case including reference to an appeal decision¹. However, insufficient information has been provided with regards to this scheme and I cannot be sure that it represents a direct parallel with the appeal scheme, particularly with regards to location and scale. In any event, I have determined this appeal on its own merits.
10. I note that pre-consultation on the proposal had been undertaken including with the Council and Duncombe Primary School. An International Commission on Non-Ionizing Radiation Protection (ICNIRP) certificate was also submitted with the proposals.
11. The appellant also indicates that local planning authorities are encouraged to support the expansion of telecommunications including written communication from the Department for Digital, Culture, Media and Sport and objectives of OFCOM.

Planning Balance

12. The proposal would bring public benefits including 5G installation that brings very fast data speeds with very low latency that would contribute towards people and businesses in the locality.

¹ Planning Inspectorate Reference: APP/A5840/W/20/3254830

13. The appellant has submitted a sequential approach to site selection with around eleven sites identified (including mast sharing options) and discounted for various reasons including footpath restrictions, presence of trees and incapability of mast sharing. Insufficient evidence has been provided with this sequential approach, including technical data, specific footpath restrictions and mast sharing incompatibilities, to clearly determine why these other sites were discounted and not appropriate as potential alternative sites.
14. The proposal would result in public benefits to the area. However, from the evidence before me, I am not convinced that alternative options including other sites or redesign of the proposal have been fully explored. The benefits and matters described above therefore do not outweigh the substantial harm that I attribute to the affects that the proposal would have on the character and appearance of the surrounding area.

Conclusion

15. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
16. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR