



Appeal Decision

Site Visit made on 15 November 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2021

Appeal Ref: APP/N5090/W/21/3273436

Southover, Woodside Park, London N12 7JE

- 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 UK LTD against the decision of the London Borough of Barnet.
 - The application Ref 21/1041/PNT, dated 21 February 2021, was refused by notice dated 7 April 2021.
 - The development proposed is an 18 metre Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is no dispute that the proposal would accord with the requirements of Schedule 2, Part 16, Class A Paragraph A.2(3) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) 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. Consequently, prior approval for the siting and appearance of the proposed development, is required and is the subject of this appeal.
3. 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. However, 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.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the surrounding street scene, and whether any harm caused is outweighed by the need to site the installation in the location proposed having regard to the potential availability of alternative sites.

Reasons

5. Southover is a road that is predominantly residential in character and which includes some dispersed pockets of open space. Its character, local to the appeal site, is within an open area of land. There is a clubhouse and sports ground to the east and woodland and open space to the west. Although close to the nursery/club house it is set away from local built form. The footways on both sides of the highway are beyond narrow grass verges. The appeal site is within a grass verge, in front of a boundary hedge that encloses the memorial ground. Due to its verdant and open nature, the site makes a positive contribution to the character and appearance of the area.
6. The proposed mast would be visible from long views along Southover and from within parts of the adjacent open spaces, especially from the east. It would be substantially taller than local streetlights and would therefore be a strident and prominent feature in the local streetscene. Adjacent trees would provide only limited screening, being some distance from the proposal and would only present a backdrop of trees from certain limited views. Its exposed location would prevent it from being successfully integrated with the local pattern of development. It would therefore attract particular attention, in contrast to the adjacent open character, resulting in significant harm to the character and appearance of the surrounding area.
7. Furthermore, the associated grey equipment cabinets although permitted development, would be seen within the same context as the proposed mast. The harmful visual effect of these components, in combination with the mast, would exacerbate the identified harm. A different colour of cabinets or mast would not mitigate this effect.
8. The National Planning Policy Framework (The Framework) places importance on decisions that support the expansion of electronic communication networks. It states that new masts should be sympathetically designed. Such equipment should be consistent with the needs of consumers, the efficient operation of the network and provide reasonable capacity for future expansion. The Framework also encourages the reuse and adaption of existing base stations. Furthermore, it states that proposals for new masts should evidence the possibility of erecting antennas on an existing building, masts or other structures. This therefore establishes a sequential approach first favouring the reuse of existing sites.
9. The coverage maps illustrate that the site, and especially the area to its south, suffers poor coverage particularly with respect to 5G coverage. Also, the appellant's alternative site assessment identifies that the search area for new sites is extremely constrained and upgrading of existing sites is not available. In consideration of six alternative base station locations, all within the immediate residential area on roadside locations, the appellant has suggested that no suitable alternative site exists. However, this assessment shows a limited examination of potential alternative sites, and provides no clear reasoning why non-roadside sites, such as within private land or roof tops of local commercial/community buildings, has not been explored further. It is therefore unconvincing that a less harmful alternative site is not reasonably available.
10. Insofar as they are material considerations, I have also had regard to policy DM01 and DM18 of the Barnet Development Management Policies DPD (2012).

These policies, among other matters, seek development to be based on an understanding of local characteristics and for telecommunication equipment to have no significant adverse effect on the space in which it is located. As I have found that the proposal would not integrate well with the local streetscene it would conflict with the requirements of these policies.

Other matters

11. I have also had regard to the comments made in the representations including issues such as health matters. However, documentation has been provided to confirm compliance with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidance. Given this, government guidance is clear that decision makers should not set additional health safeguards and as such any concerns in this respect are not a reason to withhold planning permission.
12. In addition to the above, the Appellant has commented that no response was received from the Council following a pre-application submission. Whilst this is regrettable, it is also away from the planning merits of the case.

Conclusion

13. Although, some consideration has been made to the framing of the proposal, it would nevertheless be prominent within the street-scene and harmful to the character of the area. The provision of reliable 5G coverage is of great importance. However, the public benefits of enhancing this infrastructure would be out-weighed by the significant adverse visual impact of the proposed mast.
14. I therefore conclude that the appeal should be dismissed.

B Plenty

INSPECTOR