



# Appeal Decision

Site Visit made on 26 October 2021

**by K Savage BA(Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 01 December 2021**

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**Appeal Ref: APP/X5210/W/21/3277039**

**Camden Road, Kentish Town, London NW1 9AE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
  - The appeal is made by Hutchinson UK Ltd against the decision of the Council of the London Borough of Camden.
  - The application Ref 2021/1594/P, dated 28 March 2021, was refused by notice dated 27 May 2021.
  - The development proposed is erection of 15m high electronic communications monopole with wraparound cabinet at base and 3 x equipment cabinets on the public footpath.
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## Decision

1. The appeal is allowed and prior approval is granted for erection of 15m high electronic communications monopole with wraparound cabinet at base and 3 x equipment cabinets on the public footpath, at Camden Road, Kentish Town, London NW1 9AE in accordance with the terms of the application, Ref 2021/1594/P, dated 23 April 2021, and the plans CMN10917\_M005 Issue E/002 (Site Location Plan); CMN10917\_M005 Issue E/100 (Existing Site Plan); CMN10917\_M005 Issue E/150 (Existing Elevation A); CMN10917\_M005 Issue E/210 (Proposed H3G Site Plan); CMN10917\_M005 Issue E/260 (Proposed H3G Elevation); CMN10917\_M005 Issue E/303 (Proposed H3G Antenna Schedule & Line Configuration); CMN10917\_M005 Issue E/305 (Equipment Schedule & Support Structure Details) submitted with it.

## Preliminary Matter

2. During the appeal, I sought confirmation from the appellant as to the colour of the proposed equipment, which has been confirmed as black. This differs from the grey colour originally indicated, but the Council has had the opportunity to comment and I am satisfied that confirmation of these details would not be prejudicial to any party. I have duly considered the appeal on this basis.

## Main Issue

3. The GPDO sets out that in considering whether to grant prior approval under Schedule 2, Part 16, Class A, the issues to be considered are the siting and appearance of the proposal. The main issue, therefore, is whether the siting and appearance of the proposal would be acceptable, having regard to the effect of the proposal on the heritage significance of the Camden Square Conservation Area (CSCA) through effect on its setting; the effect of the proposal on safe movement of pedestrians and general highway safety; and the effect of the proposal on nearby trees.

## Reasons

### *Character and Appearance*

4. The proposal seeks to install a 15 metre monopole and three associated equipment cabinets on the public footway on Camden Road, outside the public open space of Cantelowes Gardens. The equipment would be installed midway between a pedestrian crossing at the entrance to the gardens and a bus shelter a short distance away, and would be set against the boundary railings of the gardens. The site is adjacent to, but outside of the CSCA, which includes dwellings on the opposite side of the road.
5. Camden Road is a broad, busy A-road between Camden Town and Holloway. It follows a straight route which affords long vistas in both directions. These views are framed by a combination of buildings and trees, with occasional open space, including that of Cantelowes Gardens. The presence of trees in particular serves to filter views of buildings in the distance. A further feature of note is the rhythmic pattern of street lights to either side of the street.
6. The National Planning Policy Framework (the Framework) sets out that a sequential approach should be taken to the provision of telecommunications equipment, with mast and site sharing considered first, followed by existing buildings and structures, and finally ground-based installations. The appellant indicates that the site represents the most suitable location for the monopole from an operational standpoint, given the need to fit into the existing network of cells and provide continuous coverage. The appellant points out that 5G antennas are significantly larger and heavier than previous generations, and consequently cannot be accommodated on existing street poles, thus ruling out site sharing as a potential option. There is little information provided in respect of searches for existing buildings on which to place antennas; however, having regard to the identified search area, it is primarily comprised of private residential dwellings, which are unlikely to be suitable for a number of reasons, including height limitations, health considerations and visual impact. Moreover, I am not aware from the Council of any potentially suitable building in the search area which the appellant has failed to consider.
7. In terms of alternative ground-based sites, the appellant has indicated a number of sites were considered but ruled out, on the basis of proximity to residential uses, insufficient pavement width or operational constraints. The Council is critical of the lack of detail provided to explain why these sites were discounted; however, these other locations are located in smaller residential streets where any pole would be immediately adjacent to several dwellings. In comparison, the proposed monopole would be located in a more open, public space, not immediately adjacent to residential properties. I am satisfied, having regard to the evidence in this case, that there are no demonstrably more suitable locations for the proposal within the search area.
8. The proposed monopole, at 15 metres high, would be unavoidably visible in the street scene. It would be seen as part of a long urban vista along Camden Road which takes in buildings, trees, traffic and other street furniture, including the tall lampposts. However, due to its height, the bulkier top of the mast would protrude above the crown heights of adjacent trees and it would not relate in scale or form to the adjacent lampposts. I accept that the trees would provide an element of screening to the monopole in longer views from both directions. However, at close range on Camden Road, from properties opposite and from

within the adjacent Cantelowes Gardens, the full height and functional form of the monopole would be obvious and it would form a conspicuous and discordant feature in the street scene.

9. The proposed metal cabinets would have a utilitarian appearance and would sit in a line against the back edge of the footway next to the metal railings of Cantelowes Gardens. Such cabinets are a common element of street furniture, with others visible across the road. However, despite their condensed arrangement, they would be seen in conjunction with the monopole and would add to the overall massing of structures in the footway. Their impact would be less in longer views, as they would not themselves be of a scale that would harm the overall open character of the Camden Road corridor. However, at close range, their cumulative arrangement would form an intrusive feature that would detract from the open views into Cantelowes Gardens from the street.
10. I acknowledge that, taken by themselves, the cabinets are permitted development. However, it is evident that the cabinets are only required in conjunction with the proposed monopole, and therefore it is unlikely that the fall-back position of installing them as standalone structures would be pursued.
11. I also recognise that the proposed black colour of the equipment would match that of nearby street furniture, including the lampposts, traffic lights, railings and other cabinets, and it would therefore appear consistent with the general appearance of the street scene, whilst also being a colour that would not stand out visually or draw further undue attention to the equipment. However, this alone would not overcome the intrusive scale of the proposed structures.
12. The dwellings on the opposite side of the road fall within the CSCA. The CSCA is a planned, 19<sup>th</sup> century suburb in a gridded street layout focused around Camden Square. It is a relatively contained conservation area, bounded by major thoroughfares including Camden Road. As a result, the planned layout, varied architecture and green spaces which contribute in large part to its heritage significance are primarily appreciated from within the conservation area itself, rather than from areas beyond its boundary.
13. The dwellings opposite are representative of the CSCA's architecture, though they face onto a main thoroughfare with a significantly busier and more functional, transport-oriented character. The immediate context also features modern, contrasting buildings including the car parts store next to Cantelowes Gardens and the petrol station opposite it, and functional structures such as the high fencing to the playing pitches in the park. However, Cantelowes Gardens nonetheless provides an open green space directly opposite dwellings within the CSCA which contributes positively to the setting of the conservation area. For the reasons set out, the imposing height and form of the monopole would stand out as a dominant feature that would detract from this setting, albeit this effect would be limited given it would relate to a small part of the conservation area, and the aforementioned features of the CSCA which make the greatest contribution to its significance would be largely unaffected.
14. Brief reference is also made to the Bartholomew Estate Conservation Area (BECA) which lies to the other side of Cantelowes Gardens, although no harm is ultimately alleged by the Council in respect of this asset. However, I saw that the separation distance and intervening development and trees between the site and the BECA means there would be no adverse effect on the setting of this conservation area, and its heritage significance would be preserved.

15. For these reasons, I conclude that the proposal would cause harm to the character and appearance of the area and to the heritage significance of the CSCA. So far as they are relevant to the appeal as material considerations, there would be conflict with the aims of Policies D1 and D2 of the Camden Local Plan (July 2017) (the CLP), which together seek development of the highest architectural and urban design quality, which complements and enhances the distinct local character and identity of the area, and to preserve and, where appropriate, enhance Camden's heritage assets and their settings.

#### *Highway and Pedestrian Safety*

16. The proposed monopole and cabinets would be positioned on the inside of the footway, next to the railings of Cantelowes Gardens. The plans show the footway would be narrowed from around 2.8 metres to 1.84 metres following their installation. The narrowed section would be around 6 metres in length.
17. Transport for London (TfL) has objected to the proposal on the basis that the proposal would allow for a footway clear zone of less than the recommended two metres, which would not contribute to a high-quality pedestrian environment. The appellant points out that the TfL Streetscape Guidance (4<sup>th</sup> Edition, 2019) recommends a width of two metres, but 1.5 metres is an acceptable minimum. I am also referred to other guidance, namely the TfL Pedestrian Comfort Guidance (2010) (PCG) and the Department for Transport (DfT) Guidance on Inclusive Mobility (2005). The Council's Planning Guidance: Transport (Jan 2021) also refers to the minimum standards of the PCG.
18. The various guidance includes different standards based on how busy pedestrian flows are in the area. However, I am not provided with detailed evidence in this respect, but have based my judgement on TfL's preferred two metre width in its response to the planning application. I note that the PCG defines 'clear footway' as being the total width of the footway minus a buffer of 400mm for the building and kerb edges. Given this, the footway would have to be 2.4 metres in total width to achieve two metres clear, and the resulting 'clear footway' in this case would be 1.44 metres. The proposal would therefore fall some way short of the recommended widths for pedestrian comfort, and marginally short of the acceptable minimum of 1.5 metres. The Council also points to the DfT guidance requiring a minimum of 2 metres for two wheelchair users to pass; however this also states that a minimum of 1.5 metres is acceptable in most circumstances, with any restricted space limited to no more than 6 metres in length.
19. I saw the footway to be lightly trafficked at the time of my visit, though I accept this was only a snapshot in time and there are likely to be times when flows are busier. That said, the site is not part of a high street environment, nor is it adjacent to a transport interchange such as a tube station. I recognise that certain times, such as weekends, may be busier as people visit Cantelowes Gardens, and there will be footfall past the appeal site as people move between the bus stop and the gardens or the pedestrian crossing.
20. However, the reduction in the width of the footway in this case would still leave sufficient distance for people to pass, including those in wheelchairs. The width reduction would be for a short distance, one considered acceptable under the DfT guidance. Moreover, the cabinets in this case would be set close to the inner edge of the footway. They would align with the bus shelter a short distance away which occupies a similar depth to the proposed cabinets, and

reduces the footway in a similar manner. As such, pedestrians are already likely to tend towards the outer half of the footway to go past the bus shelter, and the arrangement of cabinets in line with the shelter would therefore cause the least disruption to the natural flow of pedestrians.

21. In addition, the short extent of narrower footway would not lead to significant congestion or bottlenecks where pedestrians or wheelchair users are forced to wait for others to pass against them before continuing. The Council refers to further narrowing should maintenance be required on the cabinets, due to the space required in front of them by operatives. However, such incidents would be infrequent, and it would be expected that these would be attended by appropriate safety measures, such as barriers and diversions, to ensure pedestrian flow is not disrupted.
22. For these reasons, I find that the siting of the proposal would not be harmful to pedestrian or highway safety, and no conflict would arise with Policies A1, C6 or T1 of the CLP, which together require proposals to manage the impact of development on communities, including transport impacts; to prioritise walking, cycling and public transport in the Borough, and to expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all.

#### *Effect on Trees*

23. The Council points to the proximity of the proposal to mature trees in Canteloves Gardens, and raises concern that in the absence of an arboricultural impact assessment, there would be a risk of damage to the roots of nearby trees from below ground works to install the monopole and cabinets, and subsequent concern that the proximity of the monopole would lead to undue pressure for the trees to be pruned or even removed.
24. I note the appellant's response that the proposed works would be outside of the crown spread of the trees, and thus outside the root protection areas of the trees. Whilst this is a common rule of thumb for estimating the root spread, it is not always reliable. However, the proposals would be located in the footway, and it is to be expected that some degree of works has already taken place below ground, such as that related to provision of utilities. The equipment would also be set beyond the outer reaches of the crown of the nearest tree, where any roots are likely to be modest in size. The small area required for the equipment also means any incursion into the RPA of the tree would be limited.
25. The proposed monopole would also exceed the crown height of the nearest tree; however, the crown narrows towards the top, and would not come into significant conflict with the monopole. Therefore, I am not persuaded that the proposal would lead to undue pressure for significant pruning beyond that normally needed to maintain the health of the tree.
26. For these reasons, I am satisfied that the proposals would not cause significant harm to nearby trees, and no conflict would arise with Policies A3 and D1 of the CLP, which require development to achieve high quality design and to resist the loss of trees of significant amenity value.

#### **Other Matters**

27. In reaching conclusions on the main issues, I have had regard to the representations made by interested parties, including local amenity groups.

Comments have questioned the need for such installations; however, the Framework makes it clear that in determining applications, need for an electronic communications system should not be questioned.

28. Similarly, the Framework states that local planning authorities should not set health safeguards different from the International Commission<sup>1</sup> guidelines for public exposure. The appellant has confirmed that the proposal would meet the relevant guidelines in this case, and I have no firm evidence to dispute this. Therefore, whilst I acknowledge the concerns raised in representations regarding health, this is not a matter that weighs against the proposal.
29. Reference is made to problems of youths using the cabinets associated with another mast at the opposite side of Cantelowes Gardens to gain access to the park and cause anti-social behaviour. However, I have little evidence to confirm this is directly attributed to the presence of cabinets, or that the proposal would directly lead to increased anti-social behaviour.
30. Reference is made to pre-planning consultations, including disputes over the timing of requests and the appellant's apparent failure to wait for a response from the Council. However, I have considered the appeal on its own planning merits and these matters preceding the application do not alter my conclusions on the main issues or the appeal as a whole.

### **Planning Balance**

31. The harm to designated heritage assets in this case would be at the lower end of less than substantial, in the language of the Framework. Per Paragraph 202, this harm his harm should be weighed against the public benefits of the proposal.
32. The appellant has set out the economic and social benefits the rollout of 5G coverage in the area would deliver for businesses and the general public. This accords with the strong support within the London Plan and the Framework for digital infrastructure as a key part of delivering economic growth within London and nationally. The upgrading of the mobile telecommunications network through the appeal scheme would therefore deliver significant public benefits. I am satisfied that these public benefits would outweigh the less than substantial harm to the significance of the CSCA as a designated heritage asset, and the conflict with Policies D1 and D2 of the CLP. As such, I find that prior approval should be given in this case.

### **Conditions**

33. The GPDO does not provide any specific authority to impose conditions when granting prior approval beyond the deemed conditions for development by electronic communications code operators set out in the GPDO.

### **Conclusion**

34. For the reasons set out, I conclude that the appeal should be allowed.

*K Savage*

INSPECTOR

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<sup>1</sup> International Commission on non-ionising radiation protection (ICNIRP)