
Appeal Decision

Site visit made on 30 November 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2021

Appeal Ref: APP/Y5420/W/21/3275079

Bounds Green Road close to junction with Trinity Road, opposite the ambulance station, Haringey, London N22 8XX

- 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 Mr Francis Dorey (Great British Communications Ltd) against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2021/0577, dated 12 February 2021, was refused by notice dated 8 April 2021.
 - The development proposed is the erection of a 5G 15-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 (the GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require an assessment of the proposed development solely on the basis of its siting and appearance, taking into account any representations received.
3. While quoted by the appellant in their appeal statement and the Council in the reasons for refusal, the relevant provisions of the GPDO do not require regard to be had to the development plan. Accordingly, I have had regard to these policies and related supplementary guidance only in so far as they are a material consideration relevant to matters of siting and appearance. They are not, in themselves, determinative.
4. The National Planning Policy Framework (the Framework) supports high quality communications infrastructure and requires that local planning authorities must determine applications on planning grounds only. In accordance with the provisions of Schedule 2, Part 16 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and subject to any relevant exception, limitation or condition specified therein, development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network is permitted development. Therefore, matters such as the need for the development are not at issue in this appeal.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area.

Reasons

6. The proposal would be located on a grass verge between Trinity Road and Bounds Green Road. The area is predominantly residential, comprised primarily of two and three storey buildings. Due to the grass verge and trees, the area has an open, spacious and verdant character. The verges and trees therefore contribute positively to the character of the area. The proposal includes the siting of a telecommunications mast of 15m height with associated ancillary equipment, including ground level cabinets.
7. The submitted drawings show the height of the mast would be considerably taller than nearby dwellings, streetlights and trees. While I appreciate the proposed mast must be taller than other objects in the vicinity in order to operate efficiently, the large size and utilitarian appearance of the proposed equipment would appear out of scale and overly prominent within its immediate residential setting.
8. The trees on the verge would offer some screening and natural backdrop. I note that the mast has been reduced in height from a previously refused application¹ and would be coloured green in an attempt to camouflage the mast where possible. However, this would likely depend on the time of year and would not sufficiently reduce the visual impact of the mast given its size.
9. The appellant has outlined alternative sites that were considered but discounted for a variety of reasons. While I have some background on these sites, there is little substantive information in this regard. This is especially pertinent as to whether alternative locations would be as prominent or harmful. The Framework states that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. In this case, such evidence is lacking as it pertains to alternative sites.
10. I therefore conclude that the siting and appearance of the development would have a harmful visual effect on the character and appearance of the local area. Insofar as they are material considerations, I have also had regard to Policies DM1 and DM3 of the Haringey Development Management DPD (adopted July 2017) and SP11 of the Haringey Local Plan Strategic Policies 2013 - 2026 (adopted March 2013). The proposal would conflict with the requirements of these which state, among other things, that proposals for the installation of telecommunications equipment will be permitted where there is no adverse effect on the street scene or spaces in which they are located.
11. While Policy D6 of the London Plan (adopted March 2021) is also referred to in the decision notice, this relates to housing quality and standards and is therefore not relevant to the proposal before me.

¹ HGY/2020/3008

Other Matters

12. I have found that the siting and appearance of the proposal would harm the character and appearance of the local area causing substantial visual harm to the streetscene at this particular location.
13. Nevertheless, paragraph 114 of the Framework also recognises advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G).
14. There is clear need for, and importance of, the rollout of the 5G network. The proposed new infrastructure would provide improved coverage for local people. I note there are two supporting comments regarding this matter, and I acknowledge the letter from the Department for Digital, Culture, Media and Sport offering support for proposals of this type. Given the changing work patterns, including increasing numbers of home workers, the need for suitable telecommunications infrastructure has become very apparent in many people's lives during the pandemic and this carries some weight in favour of the proposal.
15. I acknowledge that telecommunications equipment is now a common feature of the built environment and that the proposed monopole is said by the appellant to be the minimum height and width possible to accommodate multiple-generation technologies, which cannot be placed on other local masts or nearby buildings. However, the Framework also advises equipment should be sympathetically designed and camouflaged where appropriate. The evolution of the surrounding environment over time does not justify any and all development, and an appropriate balance must be struck.
16. I have had regard to the appellant's statement of case including comments that the proposal would not have an adverse effect on the living conditions of neighbouring occupiers, highway safety and pedestrian movements. These matters are not in dispute and in any case a lack of harm would be neutral in the decision-making process rather than weighing in favour of the proposal.
17. The appellants have referred me to a nearby allowed appeal decision², although I have little information on this before me. In any event, I must consider this appeal proposal on its own individual merits.
18. The appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. As such, adherence to the ICNIRP guidelines does not overcome the harm I have identified with regards to other matters at hand.

Conclusion

19. Having regard to all of the above, the weight that I attach to the other considerations in favour of the proposal would, whilst important, not be sufficient in this case to outweigh the harm that would be caused to the

² APP/A5840/W/20/3254830

character and appearance of the area. This is particularly so in regard to the design, siting and context of the proposed development and evidence pertaining to the consideration of alternative sites. I therefore conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR