



Appeal Decision

Site visit made on 28 February 2022

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2022

Appeal Ref: APP/M5450/W/21/3284530

Wemborough Road, Honeypot Lane, Canons Park, Stanmore, London HA7 1AJ

- 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, A.3(4) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/2980/21, dated 25 April 2021, was refused by notice dated 8 September 2021.
 - The development proposed is described as, "Proposed 15m Phase 8 Monopole C/W wraparound cabinet at base and associated ancillary works".
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Decision

1. The appeal is dismissed.

Application for costs

2. The Council made an application for costs. This application for costs has been dealt with in a separate decision.

Preliminary Matters

3. The appellant has confirmed that although a slightly different name was given on the application form compared to the appeal form, these names relate to the same entity, and that the official name of the applicant has been amended since the application was made. Considering this, I have used the name as given on the appeal form in the banner header, above, which the appellant has also confirmed should be spelt as 'Hutchison'.
4. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), 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.
5. 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 and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

6. The main issues are effect of the siting and appearance of the proposed installation on the character and appearance of the area and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Character and Appearance

7. The appeal site comprises part of a grass verge which lies adjacent to a footpath on one side, and the road on the other side. The site is situated in front of Stanmore Marsh South, which is classed as Designated Open Space. The wider area mostly consists of a mix of commercial and residential uses.
8. The site is situated amongst a fair amount of street furniture. Some of this street furniture has a vertical emphasis. Nevertheless, apart from the street light column found roughly opposite the site on a traffic island, the existing street furniture would do little to screen the proposed approximately 15 metre monopole, due to that street furniture being visually off-set from the location of the proposed monopole.
9. Although the long row of 3-storey buildings on the opposite side of the road to the site, and the trees within Stanmore Marsh South form a backdrop to the site when seen from some viewpoints, due to the separation distance of the site from those buildings and trees, their effect in terms of visually assimilating the proposed monopole would be limited in views of the site from Honeypot Lane. Considering this, and as it would also be close to a wide road which is near to the convergence of 3 other sizeable roads, the proposed monopole would be located in an especially exposed location.
10. Hence, although the proposed monopole would be seen within the context of other items of street furniture and trees, as it would be a very tall structure it would stand out in this exposed location. Its bulbous feature at the top of the proposed monopole would also unduly contrast with the other nearby items of street furniture, which do not share this conspicuous design feature. Moreover, despite the presence of nearby buildings and trees, the incongruity of the proposal in the street scene would be materially exacerbated by its proposed location in front of a wide area of open space.
11. Taking all this into account, although the proposal would not interfere with the free-flow of pedestrians, or any lines of sight from residential properties, pedestrian crossings, junctions or cycle lanes, the proposal would cause harm to the character and appearance of the area.
12. The appellant has suggested that the colour scheme of the proposal could be specified via details required by a planning condition. However, the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions found within Class A of Part 16. On this basis, it would not be reasonable to impose conditions relating to this matter.
13. I therefore find that the siting and appearance of the proposed installation would have an unacceptable and significantly harmful effect on the character and appearance of the area. Whilst not determinative, I have had regard to Policies DM1 and DM49 of the Harrow Council Development Management

Policies (adopted 2013). To the extent that they are relevant considerations within the terms of the GPDO, the proposal would conflict with their collective aims that, amongst other things, proposals for the installation of telecommunications equipment will be supported where the siting and design of the installation would minimise its impact upon the appearance and character of the area.

Alternative Sites

14. Paragraph 117 of the Framework provides that, amongst other things, applications for electronic communications development (including applications for prior approval under the GPDO) should be supported by the necessary evidence to justify the proposed development, and that this should include for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
15. The appellant has appropriately followed the sequential approach, advocated by the Framework, in identifying site options. It is noted that, as with all 5G cells, the relevant cell search area is extremely constrained, and that the designated search area is intended to cover a densely-packed residential area. It is noted that the Council has not put forward specific potential alternative locations, but paragraph 117 c) of the Framework is clear that it is incumbent on the applicant to provide evidence that these options have been explored.
16. The appellant has provided 2 sets of discounted options. One set is within the Site Specific Supplementary Information document (SSSI), and one set is within the appellant's Grounds of Appeal. The set within the appellant's Grounds of Appeal contains some options which are in different locations to those found in the SSSI document. Furthermore, for some of the options for locations which have remained the same in each set, different justifications have been put forward.
17. No adequate explanation has been provided, as to why potential options have been put forward in the appellant's Ground of Appeal which are in different locations to those found within the SSSI document. Moreover, the inconsistencies in relation to the justifications provided for some of the discounted options means that these justifications are not wholly convincing.
18. On this basis, in my view the evidence does not convincingly demonstrate that the appellant has properly explored all the potentially available alternative options. Consequently, on the evidence before me, I find that it has not been proven that less harmful alternative sites are not available.

Balance

19. Whilst reference has been made to various social and economic benefits, these have not been taken into account, as the prior approval considerations are limited only to matters of siting and appearance. Notwithstanding this, paragraph 114 of the Framework provides that, amongst other things, planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). In light of this, and considering the extremely constrained nature of the cell search area, the need for a mast within the designated search area has been demonstrated.
20. However, the proposal would cause significant harm to the character and appearance of the area. It has also not been proven that less harmful

alternative sites are not available. Accordingly, the harm is not outweighed by the need for the installation to be sited as proposed, taking into account my reasoning above with respect to the suggested alternatives.

Conclusion

21. For the reasons given above, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR