



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/21/3282950

Honeypot Lane, Canons Park, Stanmore, London HA7 1FA

- 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/2528/21, dated 12 June 2021, was refused by notice dated 10 August 2021.
 - The development proposed is described as, "Proposed 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated 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) (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.
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. 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

4. 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

5. The appeal site comprises a grass verge, which lies adjacent to a footway on one side, and the road on the other side. The wider area consists of mainly

residential and commercial uses, although there is a large area of Designated Open Space situated directly to the rear of the site.

6. There are a number of trees, street light columns and traffic lights within close proximity of the site. Whilst these elements have a vertical emphasis, the proposed monopole would be a taller column-like structure that would stand out as a prominent element in the street scene. That prominence would be exacerbated by the lack of any meaningful screening and, in the context of the wide area of Designated Open Space behind it, the proposed monopole would appear as an exposed and isolated structure which would be seen in a range of views along the road. Accordingly, the proposed monopole would be an imposing and incongruous addition to the street scene.
7. Taking all this into account, although the proposal would not interfere with 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.
8. 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.
9. 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

10. 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.
11. 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.
12. 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 not present in the SSSI document, and some options are further away from the nominal location than those found within the SSSI document. Furthermore, for some of the locations which have remained the same in each set, different justifications have been put forward.

13. No adequate explanation has been provided, as to why potential options have been put forward within the appellant's Grounds of Appeal which are further away from the nominal location than those presented in the SSSI document. This is of concern, given that the appellant has stated that ideally the proposal should be located within the nominal location or very close to it. Moreover, the inconsistencies in relation to the justifications provided for some of the discounted options means that these justifications are not wholly convincing.
14. 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

15. 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.
16. 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

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

Alexander O'Doherty

INSPECTOR