



Appeal Decision

Site visit made on 22 March 2022

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st April 2022

Appeal Ref: APP/Q5300/W/21/3281512

**Land Adjacent To 418 Southbury Road and 330 High Street, Enfield
EN3 4JN**

- 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.
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of London Borough of Enfield.
 - The application Ref 21/02098/PAT, dated 27 May 2021, was refused by notice dated 22 July 2021.
 - The development proposed is the proposed erection of an 18 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 allowed, and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of an 18 metre high Phase 8 telecommunications pole with built-in cabinet, 3no. separate cabinets and ancillary works on land Adjacent To 418 Southbury Road And 330 High Street Enfield EN3 4JN in accordance with the terms of the application Ref 21/02098/PAT, dated 27 May 2021, and the plans submitted with it, including the drawings numbered "ENF12178_PLANNING_REV_C", Issue C, titled 002, 100, 150, 215, 265, 304 and 307.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 16, Class A, Part A.3 require the local planning authority to assess the proposed development 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.

Planning Policy

3. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have therefore had regard to the policies of the development plan, any related guidance 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 the effect of the siting and appearance of the proposed mast and equipment upon the character and appearance of the area.

Reasons

5. The appeal site is a grass verge, with trees and planting, close to the junction of Southbury Road with High Street. The footway immediately adjacent to the site is shared, with a marked, separated cycle path. The proposed mast and cabinets would be set on the edge of this grass verge. As the site is close to the junction of a number of large, relatively busy, wide roads, there is already a wide variety of street furniture, including signs, streetlights, traffic lights and other, albeit shorter, telecommunications equipment.
6. The proposed mast would undoubtedly be relatively tall, and would be visible along Southbury Road, High Street and indeed, Nags Head Road. However, given the existing character and appearance of the site and surrounding verge, with existing telecommunication equipment, street-lighting columns and signage, all with an existing vertical emphasis, and surrounding built development and trees, I do not consider that the proposal would be unduly prominent or visually obtrusive. I note the suggestion that the proposal would give rise to an unacceptably cluttered appearance. However, the appearance of the site is, in my view already established as being host to various pieces of street furniture, and as such, I do not consider that the proposal would lead to an unacceptably cluttered appearance.
7. The location of the site at a junction, where there is already a concentration of signage, streetlighting, traffic lights and the general mixture of character and appearance which characterises junctions also limits the effect of the proposal to my mind. As noted above, the footway adjacent to the site is shared with a cycle path. However, as the proposal is confined to the verge, between existing trees, I do not consider that the proposal would alter the practical width of the footway, such that conflict would arise between users of the footway, the cycle path, or indeed, the road itself. I also note that the cabinets will open onto the verge and not the footway.
8. Whilst the proposal would likely be visible from nearby residential properties, given its location, on a verge with existing trees, in an area with other street furniture and not immediately adjacent to any windows, I do not consider that it would have any overbearing effect on views from nearby residential properties.
9. In reaching this conclusion, I note the support in the National Planning Policy Framework (the Framework) for high quality communications, and that advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. I also note that policies and decisions should support the expansion of the communications network, and that the delivery of 5G infrastructure is specifically referenced. This type of infrastructure is an increasingly common and widespread element of street furniture, and as such, is no longer as unusual or jarringly different as it once was.
10. The Council has cited a number of development plan policies in their decision notice. Insofar as they relate to the siting and appearance of the proposal, I

consider that the proposal accords with Policy CP30 of the Enfield Core Strategy 2010 to 2025, and Policy DMD37 of the Development Management Document 2014, which seek, amongst other things, to ensure that development protects the character of its surroundings and pays due regard to context.

Conditions

11. Any planning permission granted for the appeal proposal under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

12. The proposal is therefore acceptable on the basis of its siting and appearance, taking into account any representations received, and for the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

S Dean

INSPECTOR