



Appeal Decision

Site visit made on 13 May 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 June 2022

Appeal Ref: APP/Q5300/W/21/3286339

Rooftop, Peregrine Point, 1 Alma Road, Enfield, London EN3 4FU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Cornerstone Telecommunications Infrastructure Ltd and Telefonica UK Ltd against the decision of the Council of the London Borough of Enfield.
- The application Ref 21/00281/FUL, dated 26 January 2021, was refused by notice dated 6 May 2021.
- The development proposed is installation of new mobile phone base station, consisting of 3 x antennas, 1 x 0.3m dish and 1 x 0.6m dish, mounted across 3 x tripod support poles together with 3 x equipment cabinets and ancillary apparatus.

Decision

1. The appeal is allowed and planning permission is granted for installation of new mobile phone base station, consisting of 3 x antennas, 1 x 0.3m dish and 1 x 0.6m dish, mounted across 3 x tripod support poles together with 3 x equipment cabinets and ancillary apparatus at Rooftop, Peregrine Point, Enfield EN3 4FU in accordance with the terms of the application, Ref 21/00281/FUL, dated 26 January 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 100 A; 200 A; 201 B; 300 A; 301 A; 302 B; 303 A; 304 B; 305 A; 306 A; 307 A (All Issue Pack C).

Procedural Matter

2. Slightly different addresses were given on the application and appeal forms. The appellant has confirmed that on the appeal form is correct, and I have duly used it in the banner heading and formal decision above.

Main Issue

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

Reasons

Background

4. The appeal proposes the installation of mobile telecommunications equipment on the roof of Peregrine Point, a 16 storey residential building constructed on the site of a former tower block as part of Phase 1A of the Alma Estate Regeneration Masterplan (the AERM). The appeal building stands at the south-eastern corner of the masterplan area, directly next to Ponders End Station.

Other tower blocks due to form part of the regeneration scheme stand to the north-west of the appeal building, with other low level residential areas to the north. A school stands to the west on South Street, with another new building within the regeneration scheme to the south on Woodall Road. Industrial areas predominate to the far side of the railway line.

5. The appeal building has existing mobile telecommunications equipment at roof level. It is indicated that this equipment is operated by a different mobile network operator. The relocation and reprovision of telecommunications equipment formed part of a 2016 planning permission¹ for the site. Condition No 15 of this permission required details of communal telecommunications infrastructure and plant to be submitted to and approved in writing by the local planning authority. Condition No 14 of this permission also withdrew permitted development (PD) rights under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 to install mobile telecommunications equipment on the building.
6. Details under Condition No 15 were approved in 2017² but the Council argues that the equipment installed does not match the approved details. In particular, it argues that antennas which were not approved have been installed, support poles are double the approved height and in different locations. The Council provides an enforcement reference number³, which appears on a copy of a letter from February 2021, supplied by the appellant, which states that no breach of planning control was established. However, this letter refers in general terms to 'Alleged breach of PD rights' and it does not explicitly refer to telecommunications equipment. The Council has not responded to the appellant's evidence at the appeal stage. On the evidence before me, I cannot be certain as to the status of this other equipment, but it is not within the scope of this appeal for me to determine this. I nonetheless have had regard to the parties' respective positions in considering the main issue.

Character and Appearance

7. The appeal building, given its height, forms a prominent landmark within the area. It is also intended to be the tallest building within the AERM and thus a focal point for the wider development. From all sides, the existing telecommunications equipment is visible above the parapet line of the main roof. Whilst the Council indicates that some of this is unauthorised, the approved plans under Ref 16/05302/CND indicate that the permitted equipment would stand above the parapet line and be visible on the roof.
8. The proposal would add new antennas mounted on support poles to the northern and western sides of the roof and to the south-east corner. The antennas would be lightweight, slender structures, but their number and spread across the roof would create a cumulative effect that would add to their visibility. Associated equipment would be less prominent owing to its lower height or location towards the centre of the roof rather than at the edges.
9. I understand the Council's desire to deliver the highest quality of development within the AERM, though the approved details of the development have already allowed for some visible equipment at roof level. More widely, the continued

¹ Council Ref 15/02040/FUL

² Council Ref 16/05302/CND

³ ENF/20/0833

evolution of mobile technology and demand for connectivity means the sight of antennas on tall rooftops has become increasingly commonplace in urban areas.

10. Given the lack of certainty within the evidence as to the planning status of existing equipment on the roof, I have considered the effect of the proposal both in comparison to the plans approved under application Ref 16/05302/CND and that which exists on the roof at present. Relative to the approved details, the proposed equipment would be taller, slightly bulkier and more numerous. Alternatively, it would add to an already established cluster of rooftop telecommunications equipment of similar scale and form.
11. In either scenario, there would be a greater accumulation of antennas on the rooftop, but the proposed equipment would be viewed in context with existing equipment of some form. I accept that the positioning of the antennas would create a slightly cluttered arrangement. In longer views from all sides, the proposed equipment would break the roofline and may draw the eye of those looking at the building, but the building itself would remain the dominant feature. However, the proposed equipment, even when considered cumulatively with existing antennas, would appear as minor, ancillary installations when compared to the scale of the host building. The slender, functional form of the installations would not significantly harm the overall composition of the building, the elevations and parapet lines of which would be unaffected. As such, it would retain legibility of its overall design concept and landmark status within the wider regeneration scheme.
12. In closer views, particularly from the west on South Street and from the north on Alma Road, the wider building complex with its striking array of balconies to the front elevation draws the eye away from the rooftop of the appeal building which stands to the rear. Immediately around the building, one would have to look intentionally skywards to view the antennas, where they would appear as incidental rooftop features relative to the immediate massing of the parent building. Moreover, the ongoing redevelopment of the Alma Estate will further change the immediate surroundings of the appeal site, adding more buildings of visual interest to the surroundings that would in time dilute the prominence and any initially jarring appearance of the antennas and allow them to recede into the background as peripheral elements of the townscape.
13. Overall, whether considered against the approved plans for Ref 16/05302/CND or the existing installations on the roof, I find that the proposal would result in a slightly cluttered accumulation of telecommunications equipment that would disrupt the appearance of the rooftop to a minor degree in longer views of the building. Given the small scale of the proposal, it would have a similarly modest effect on the wider design quality of the extensive AERM area.
14. Therefore, the resulting harm to the character and appearance of the area would be limited, but this would result in conflict with Policies D3, D4 and D9 of the London Plan (2020), Policy CP30 of the Enfield Core Strategy (2010) and Policies DMD37 and DMD43 of the Enfield Development Management Document (2014), in terms of their cumulative aims to achieve high quality design, including of tall buildings, taking account of factors such as views from different distances and the design of the top of the building.

Other Material Considerations

15. The appellant has set out the operational requirements underpinning the proposal, including the rollout of 5G coverage in the area, and the economic and social benefits this would deliver for businesses and the general public. There is 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 Council has not sought to challenge the appellants' evidence in respect of the need for the proposal, nor has it questioned the site selection process undertaken, which includes explanation that the existing mast sharing location in the area on Morson Road cannot be reused due to the technological requirements of 5G, and would result in lost network coverage for the appellant as the existing mast belongs to another operator. The upgrading of the mobile telecommunications network through the appeal scheme would therefore deliver significant public benefits weighing strongly in favour of the proposal.
16. I have noted other matters raised, including the Council's approach to telecommunications equipment within the overall design of the AERM, and the previous application made by the appellant for a greater number of antennas. Ultimately, these matters have not been determinative factors in my decision and so I have not needed to address them further.

Planning Balance

17. I have found that the proposal would cause minor harm to the character and appearance of the area, resulting in limited conflict with the development plan.
18. Set against this, the proposal would provide improved mobile telecommunications service in the area, in accordance with the aims of the Framework and London Plan to deliver advanced, high quality and reliable communications infrastructure essential for economic growth and social well-being. Accordingly, I afford these public benefits very significant weight.
19. I find that these public benefits would outweigh the limited harm to character and appearance which I have identified. Therefore, material considerations exist which indicate that the proposal should be determined other than in accordance with the development plan.

Conditions

20. Planning permission is granted subject to the standard three year time limit condition. To provide certainty, a condition specifying the approved plans is also required.

Conclusion

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

K. Savage

INSPECTOR