



Appeal Decision

Site visit made on 7 June 2022 by S Witherley CIHCM MRTPI

Decision by J Hunter BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2022

Appeal Ref: APP/Q5300/W/21/3289453

Montagu Road, London Borough of Enfield, London N9 0EL

- 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 (as amended).
 - The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref 21/03719/PAT, dated 26 September 2021, was refused by notice dated 23 November 2021.
 - The development proposed on the application form is: Proposed 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. In the Council's decision notice and appellants Site Specific Supplementary Information (SSSI), the description of the development refers to the *Installation of a 20m high Phase 8 telecommunications monopole* with wraparound cabinet at base and associated ancillary works. However, in the planning application form, the associated drawings, appeal form and appellants statement of case, the description proposed is *Installation of a 15m high Phase 8 telecommunications monopole* with wraparound cabinet at base and associated ancillary works.
4. I have proceeded with the appeal on the basis of the description contained within the planning application form, associated drawings and appeal form.
5. The site address used in the banner header above has been taken from the application form.

Procedural Matters

6. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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.

7. 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 (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

8. The 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

9. The appeal site forms part of a wide footpath falling within an area containing both residential and commercial units. Buildings are generously spaced out, and this, alongside pockets of large open green verges gives the area an open and spacious character.
10. Running adjacent to the appeal site is a large open green verge, beyond which is an open carpark, a play area and a mix of buildings, including a multistorey high-rise building, semi-detached dwellings and bungalows. The footpath itself has a number of existing pieces of street furniture located on it, including an existing phone box, utility boxes, street signage, pedestrian bollards and street lighting columns.
11. The proposed 15-metre-tall monopole, wraparound cabinet at its base and associated ancillary works would be located at the back of the open sided footpath. Its height would be much taller than the height of the existing street lighting columns and whilst the nearby high-rise building would form a backdrop in some views, these would be limited to specific areas, including from the opposite side of the road, inside the industrial estate and when approaching the appeal site from the south. In other views, the proposal would appear in the foreground of the nearby single and two storey dwellings. When taken in these views, it would appear much more conspicuous and incongruous in its open surroundings.
12. Furthermore, whilst the proposal may be described as 'slimline' in terms of telecommunications installations, it would nonetheless be substantially thicker and bulkier than the nearby vertical street furniture.
13. I appreciate that it would be located in a single line similar to that of other pieces of street furniture located on the pavement, however, the proposal would introduce an additional structure of a differing height and form to that already located on the pavement and would lead to a busier and more cluttered appearance to this section of highway.
14. This clutter would be experienced in views by both passers-by and from the internal and external areas of those occupiers residing in the neighbouring properties that overlook the site. The various elements of the proposal

alongside pre-existing features on the footpath would visually detract from the surrounding built environment and from the areas open and spacious character. The proposal would therefore be visually at odds with the prevailing size and scale of existing street furniture and would cause a significant visual impact. Even with its siting within a deep footway and the suggestions put forward by the appellant to change its colour finish, the proposal would create a harmful visual impact upon the character and appearance of the area.

15. The proposed monopole is said by the appellant to be the minimum height possible to ensure the antennas can operate above any clutter. I have no reason to doubt this, however, the proposed monopole would introduce an excessively tall feature in the street that would extend considerably above the existing street lighting columns.
16. The siting and appearance of the proposal would be incongruous, obtrusive and visually dominant in the street scene. Hence it would cause harm to the character and appearance of the area. In so far as they are a material consideration, the proposal would be contrary to, Policy D8 of the London Plan (2021), Policy CP30 of the Core Strategy (2010), Policy DMD37 of the Development Management Document (2014), and the advice contained within the Framework 2021 which, amongst other things, seek to ensure that the design of proposals have an acceptable appearance and respect the character of existing development in the surrounding area.
17. The appellant indicates that the cabinets would be permitted development without prior approval. Be that as it may, it does not alter my findings with regards to the harm caused by the monopole.

Alternative locations

18. The purpose of the installation is to provide the appellant new 5G coverage thereby facilitating significantly improved connectivity. Chapter 10 of the Framework supports the provision of high-quality communications. Paragraph 114 states that planning decisions should "support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections". Paragraph 115 encourages the use of existing masts, buildings and other structures and states where new sites are required, such as for new 5G networks, "equipment should be sympathetically designed and camouflaged where appropriate".
19. For a new mast or base station, the Framework requires the developer to submit evidence that they have explored the possibility of erecting antennas on an existing building, mast or other structure. According to the appellant all attempts to upgrade the operators own existing base stations, use existing telecoms structures belonging to another operator, co-locate / site sharing or install a base station on an existing building or tall structure were made. However, given the limited opportunities available, they were left with only one further option, to erect a new ground – based mast.
20. The appellant states the cell search covers a densely packed residential area with no scope to put the mast outside of this cell radius, and that the proposed location is the only viable option. The appellant has submitted a list of 13 possible locations, 12 of these were discounted. However, this information contains minimal details and no supporting information to fully corroborate that

an exhaustive search of all possible sites was undertaken, or that potential alternatives were discounted on reasonable grounds is before me.

21. For example, some sites have been discounted due to their “proximity to residential properties”. The appeal site is close to residential properties, but the appellant does not advise what distance would be too close or why the appeal site is deemed acceptable in this regard. Other reasons for sites been discounted include proximity to cycle lanes and the pavement width. No explanation was given for discounting the site referred to as D1/Nominal – Cornwallis Road.
22. I find the level of detail for each alternative site is somewhat scant and the reasons for dismissing them lacks detailed justification. There is also a lack of consistency when comparing some of the alternative sites to the appeal site. This therefore makes it difficult to understand how or why the choice of the appeal site was arrived at. Hence, I am not satisfied that a thorough enough review of possible site options within the search area has been conducted.
23. On this basis, 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

24. 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. The proposal would provide benefits through the upgrade to digital telecommunications in this area, allowing for additional coverage and capacity, including 5G technology in the locality. These factors weigh in favour of the proposal.
25. However, the proposal would cause harm to the character and appearance of the area as a result of its siting and appearance. 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 in the proposed location.

Conclusion

26. For the reasons given above and having had regard to all other matters raised, the proposal is unacceptable and prior approval should not be granted.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

27. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

J Hunter

INSPECTOR