



Appeal Decision

Site visit made on 15 June 2022

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th June 2022

Appeal Ref: APP/Q5300/W/21/3280479

Area of Grass Verge, Opposite 71 Old Park Avenue, Enfield EN2 6PN

Easting(x): 532153 Northing(y): 196298

- 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 Hutchison 3G (UK) Limited against the decision of the Council of the London Borough of Enfield.
- The application Ref 21/00992/PAT, dated 17 March 2021, was refused by notice dated 11 May 2021.
- The development proposed is the proposed erection of a 15 metre high Phase 8 telecommunications pole with built-in cabinet, 3no. separate cabinets and ancillary works.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I am satisfied that the appellant's agent has satisfactorily explained the changes to the appellant's name and thus the name in which the appeal proceeds. I have adopted an amalgam of the appeal site addresses set out in the initial application form, decision notice and appellant's appeal form which together provide a more accurate and complete description of the proposal's location. I have determined the appeal accordingly in respect of both matters.

Background and Main Issue

3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the Order), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require such proposals to be assessed on the basis of the proposal's siting and appearance, taking into account any representations received, and the policies of the development plan and National Planning Policy Framework (the Framework) only in so far as they are material considerations in relation to siting and appearance.
4. Nevertheless, Policy CP30 of the Enfield Core Strategy (CS), Policy DMD37 of the Enfield Development Management Document and Policies D1, D4 and D8 of the London Plan are material considerations as they relate to issues of siting and appearance. In particular, they seek to maintain and improve the quality of the built and open environment and the public realm, and to be appropriate in context and the regard it has to its surroundings. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration and this includes a section on supporting high quality communications and infrastructure.

5. The main issue is therefore the effect of the proposed development's siting and appearance on the character and appearance of the surrounding area.

Reasons

6. The proposed telecommunications pole, built-in cabinet and separate cabinet would be sited within a narrow grass verge between the road carriageway and narrow pavement of Old Park Avenue. Old Park Avenue is a pleasant residential street with houses on one side of the road and, on the other, a dense hedge, shrub and woodland belt, beyond which lies a golf course.
7. The proposal would provide new and improved 5G (fifth generation) coverage in and around the Old Park Avenue area of Enfield. Mindful of the constraints inherent with 5G technology in terms of the extent of cell area coverage from installations, I have carefully considered the appellant's discounted sites.
8. Of the three set out, there is an existing installation further south along Old Park Avenue but it is noted that this lies beyond the indicated target area of the proposal and would not therefore provide sufficient penetration. The other two sites, more centrally located within the target area, and a short distance to the west of the appeal site on Gladbeck Way / Firbank Close also lie within a residential setting. However, the nature of those residential streets is more tightly laid out and constrained than Old Park Avenue and I do disagree with the appellant's conclusions in this respect.
9. However, despite the shortcomings presented by these alternative sites, the appeal site presents its own significant challenges. Whilst the dense belt of vegetation that runs along the western perimeter of the adjacent golf course provides a tall, dense and verdant backdrop to Old Park Avenue and, by extension, to the proposed installation, it would do little to soften views of the proposal from residential properties opposite.
10. This belt of vegetation would, I accept, provide a degree of visual screening and softening of the structure in longer views in either direction along Old Park Avenue. However, as a vertical structure of considerable girth and height, with the added bulk of the antenna array atop, it would not benefit from, or its impact be lessened, by the presence of the slim street-lighting columns along Old Park Avenue which are neither as tall, bulky nor otherwise substantial as the proposed structure. Nor, for these same reasons, could its incongruity be adequately camouflaged by the use of a colour finish to reflect the verdant backdrop.
11. Furthermore, both the pavement and the grass verge between the carriageway and pavement are narrow, with the pavement being set slightly below road level. The proposed installation would occupy a significant proportion of the verge's depth at the appeal site and would be both a visually and physically overpowering feature within the Old Park Avenue street environment, particularly but not limited to users of the footpath.
12. Thus, the siting and appearance of the proposed installation would result in a visually overpowering form of development within a narrow roadside verge. Although there is not a particular preponderance of street furniture along this side of the road, in the context of the narrow verge and adjacent pavement, its presence would result in an unacceptable visual clutter, and an unacceptably cluttered, verge. This would be harmful to the character and appearance of

Old Park Road and would fail to improve the quality of the built environment and public realm.

13. The appellant has, I acknowledge, considered alternative sites but has concluded that none are suitable. The Council has not sought to challenge these conclusions. Nor, having viewed the alternative sites, do I have any reason to question those same conclusions in respect of the identified sites. Nevertheless, whilst the absence of suitable alternative sites in this instance carries some weight in support of the proposal, that weight is not sufficient to overcome the harm to the character and appearance of the surrounding area that would arise from the proposal's siting and appearance.

Other Matters

14. Reference has been made to various social and economic benefits arising from the proposal, including its contribution towards improvements to telecommunications coverage and infrastructure and the effect that these have on economic growth and social well-being. These benefits have effectively been recognised by the grant of permission under Article 3(1) of the Order however and are not therefore directly relevant to, or to be taken into account in, the consideration of the matters of siting and appearance in this instance.

Conclusion

15. For the reasons set out and having considered all other matters raised, I conclude that the appeal should be dismissed.

G Robbie

INSPECTOR