



Appeal Decision

Site visit made on 1 June 2022

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th June 2022

Appeal Ref: APP/N5090/W/21/3285352

Mays Lane, High Barnet, London EN5 2DX

- 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 Hutchison Networks (UK) Ltd against the decision of London Borough of Barnet.
 - The application Ref 21/3104/PNT, dated 29 May 2021, was refused by notice dated 15 July 2021. The development proposed is Proposed 18.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Because this is an application for prior approval the provisions of the 2015 Order 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. This appeal will be determined on the same basis.

Main Issues

3. The main issues are the effect of the siting and appearance of the proposed monopole installation, 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

4. The site is grass verge adjacent to the pavement that runs parallel with Mays Lane, and close to the junction with Milton Avenue. The local area is suburban residential in character consisting of planned housing estates with a variety of more traditional housing stock and modern builds. Grass verges flanking the road, wide pavements and houses set back from the road are notable features that contribute to a sense of spaciousness here.
5. The proposed installation is a Hutchison Phase 8 Monopole to which the appellant explains the need for a new mast is to deliver 5G technology to serve the local area.
6. As a vertical structure with a reasonable girth with wider headframe of visible antennas positioned in this location, would appear as a stark and standalone feature. In addition, it would be extensively visible in views from the east and

west due to the long and straight road layout of Mays Lane, made more prominent by the wide and open aspect experienced here.

7. There are streetlamps positioned close to the site and other highway directional and information signs. However, these features are considerably lower in height than the proposal. It would thus not blend with these highway features that are recognised as typical street matter and are well assimilated into the street scene.
8. In addition, the trees located in close range to the proposed monopole may be a back-drop to it, but they are physically separated from the proposed location due to the intervening pavement. The monopole would sit forward of the tree line and would not be sufficiently absorbed amongst them. Furthermore, it would be significantly higher with the trees providing limited screening properties from most directions. Even if the finished colour were conditioned, it would not camouflage the monopole to adequately blend into its environment.
9. There may be no statutorily designated areas or features located close to the appeal site. Nonetheless, the proposal would appear incongruous and amount to visually intrusive development, harmful to the character and appearance of the local area.

Other Considerations

10. The deployment of new 5G technology, the public, social and economic benefits of mobile connectivity are highlighted by the appellant. The necessity of digital technology and its obvious contribution to the success of these factors I fully appreciate.
11. Published Government statements and the objectives of the National Planning Policy Framework (the Framework) to support and drive towards advanced digital connectivity has also been pointed to by the appellant. This is also recognised within the London Plan 2021. The London Borough of Barnet Local Plan also makes specific reference to the impact of telecommunications within its adopted policy.
12. The appellant places great emphasis on the height of the proposed monopole and ICNIRP guidelines, stating it is the lowest possible height to provide the necessary coverage within the local area. Whilst they evidence that there is demand for additional coverage in the target cell, they argue that a lower height mast may compromise the deployment of the digital service. However, this has not been evidenced on a coverage map for me to take into account.
13. The Framework requires evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. There is nothing before me to contradict the appellant's explanation that site sharing is not a viable proposition.
14. However, there is no evidence provided that mast sharing would yield a more visually intrusive development and whilst this equipment may be capable of site-sharing and this is a positive consideration, there is no evidence to suggest that it would negate further telecommunications equipment from coming forward within the local area.
15. The appellant undertook a number of alternative sites within their site selection process. They have focused their search in residential areas for valid reasons

with an identified constraint the fact that the area is densely residential in character with overhanging trees, inadequate pavement widths and underground services posing as problematic. This has consequentially led to a number of discounted options, and I find no reason to disagree with their findings. They identify green spaces and overhead cables posing as other constraints although there is no evidence to substantiate this.

Balance and Conclusion

16. The appellant states that the appeal site is the only viable option to site their equipment to provide the identified need for 5G service to the local area, and the resultant public, social and economic benefits that would ensue to which they attract due weight.
17. I appreciate the value of telecommunications within the technology and communications industry. However, a balance should be struck between visual impact and need. I apportion significant weight to the harm I have explained would arise to the character and appearance of the local area by siting the monopole here. It would appear visually incongruous. Therefore, even though they state this may be an optimal site, and the constraints identified, and whilst the free flow of pedestrians would not be impeded, the harm that would arise to the character and appearance of the area would on balance, not outweigh the benefits of the proposal.

Other Matters

18. Despite no comments received through the appellant's pre-application submission to the Council, would not lead me to reach an alternative decision on the matter. The Council are furthermore not obliged to suggest alternative sites to locate telecommunications equipment.

Conclusion

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

Alison Scott

INSPECTOR