
Appeal Decision

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

Decision by K Stone BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2022

Appeal Ref: APP/Q5300/W/21/3279544

Area of Footpath, Great Cambridge Road, London N9 9JJ

- 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 Mr William Comery against the decision of the Council of the London Borough of Enfield.
 - The application Ref 21/01610/PAT, dated 26 April 2021, was refused by notice dated 14 June 2021.
 - The development proposed is: Installation of a 15m high telecommunications monopole with equipment cabinets at base and associated works.
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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. 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. This appeal will be determined on the same terms.
4. 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. Nevertheless, parties have made reference to the following Policies and guidance: Policies CP30 and CP34 of Enfield Core Strategy (2010), Policies DMD37 and DMD 71 of Enfield Development Management Document policies (2014), Policy D8 of London Plan (2021) and I have had regard to them as material considerations in so far as they relate to issues of siting and appearance. I have had similar regard to the National Planning Policy Framework (the Framework) as a material consideration related to issues of siting and appearance, including sections on well-designed places and supporting high quality communications, and to draft Policy E6 of the New Local Plan 2036.

Main Issue

5. 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

6. The proposal would be sited at the back edge of an open pavement that runs adjacent to the well-used A10 Great Cambridge Road. At the back of the pavement there is an open amenity area comprising of a large, grassed area with mature trees and shrubs intermittently spaced out. Beyond this, the surroundings area is a mix of commercial and residential buildings.
7. The Framework confirms that good design is a key aspect of sustainable development. The design of the mast is dictated by technical considerations. In particular, it needs to be a minimum of 15m in height in order to achieve sufficient clearance and to ensure that the guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) are met.
8. The mast would appear much taller than the nearby street lighting columns, which the appellant notes are 10 metres tall. These street lighting columns would provide a similar vertical element against which the mast would be aligned with on the back edge of the pavement. However, in some views, the mast and street lighting columns would not be seen together particularly in angled views from various surrounding locations. Indeed, compared to the conventional scale of the streetlights and also the nearest buildings, the proposal would stand out in the immediate locality because of its height, bulk, including the antenna arrangement, and position. Furthermore, the chunkiness of the pole would appear to be substantially thicker than the nearby vertical street furniture, further emphasising its jarring and incompatible prominence in the locality.
9. Even though its siting forms part of the busy urban scene and notwithstanding the suggestion put forward by the appellant in relation to changing its colour finish, the proposal would create a harmful visual impact upon the character and appearance of the area.
10. The siting and appearance of the proposal would be obtrusive and visually dominant in the street scene. Hence it would cause harm to the character and appearance of the area.

Suitable Alternatives

11. Paragraph 117 c) of the Framework expects evidence to be submitted that the possibility of erecting antennas on an existing building, mast or other structure has been explored. The appellant has investigated these options in a sequential manner and maintains that there is no more suitable alternative sites available.
12. The search area for a new mast is constrained geographically within a densely packed residential area. The appeal statement refers to six options that have been discounted for a variety of reasons.
13. However, I find this information contains minimal details and limited supporting information to fully corroborate that an exhaustive search of all possible sites

was undertaken, or that potential alternatives were discounted on reasonable grounds. For example, some sites have been discounted due to their “proximity to schools and residential properties”. The appeal site is close to both schools and residential properties, but the appellant does not advise the detailed parameters on which this conclusion is drawn or why the appeal site is deemed acceptable in this regard and others are not. Other reasons for sites being discounted include proximity to overhead cables, visibility splays, high foot traffic, incompatibility with its surroundings and the pavement width, without providing details or the extent of the constraints.

14. I find the level of detail for each alternative site is somewhat limited 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 robust review of possible site options within the search area has been conducted.
15. 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.

Other Matters

16. The appellant has referenced a previous appeal¹ where the Inspector allowed a proposal for a 20m monopole and associated works. The main issues in that appeal relate to whether the development satisfied the limitation on height as set out in the GPDO and the effect of the proposal on the pedestrian environment. Whilst the development may be similar in type as the scheme before me, it is clear that the site circumstances along with the specific main issues are not comparable to the appeal before me. It is not possible, therefore, to make any direct comparisons between them. Limited weight has been afforded to this.
17. One letter of support was received, however, for the reasons discussed above, the proposal has been found to harm the character and appearance of the area.
18. A large number of representations along with a signed petition objecting to the proposal has been received. Only matters relating to the siting and appearance of the proposal can be considered and these have been addressed above. None of the other points raised would lead me to a different conclusion.
19. Concerns have been raised about potential effects on health. The appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

¹ APP/A5840/W/20/3254830

Balance

20. Prior approval considerations are limited only to matters of siting and appearance. Notwithstanding this, Chapter 10, 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. Support for this type of development is also set out in the letter to Local Authorities from the Department for Digital, Culture, Media & Sport and Ministry of Housing, Communities & Local Government, dated 2020. 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. The wider benefits have effectively been recognised by the grant of planning permission under Article 3(1) of the GPDO and I have only had regard to them insofar as they relate to siting and appearance in the context of this case. These factors weigh in favour of the proposal.
21. 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

22. Based on the evidence, it has not been demonstrated that the appeal site is the only viable solution with regards to supporting high quality communications. I conclude that the benefits of the installation in terms of an enhanced telecommunications network as well as the locational needs of the operators would not outweigh the significant harm that I have identified to the character and appearance of the area.
23. For the reasons given above. The proposal is unacceptable and prior approval should not be granted.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

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

Kenneth Stone

INSPECTOR