



Appeal Decision

Site visit made on 14 June 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2022

Appeal Ref: APP/Q5300/W/21/3277739

Mottingham Road, Lower Edmonton, Ponders End, London Borough of Enfield, London N9 8DZ

- 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 UK Ltd against the decision of the London Borough of Enfield.
 - The application Ref 21/01457/PAT, dated 11 April 2021, was refused by notice dated 9 June 2021.
 - The development proposed is described as 15m Phase 8 Monopole complete with wraparound Cabinet at base and associated ancillary works.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The principle of development is established by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the Order). Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) of the Order require the local planning authority to assess the proposed development solely based on its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis. In addition, I have had regard to the development plan only insofar as its policies are material considerations in respect of the prior approval matters.
3. Within the appellant's evidence, they state the cabinets do not form part of the application. On review of the evidence before me they appear ancillary to the mast and would house equipment related to it. They are shown on the submitted drawings and the description of development would include ancillary works. Were I to allow this appeal, Schedule 2, Part 16, Class A, Paragraph A.3(9)(a) of the Order requires that development must be carried out in accordance with the details provided, as such I have included the cabinets in my considerations.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the surrounding area and highway safety; 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

5. The appeal site is situated within the Mottingham Road Local Shops. The area has been purposely set out to provide central facilities and a visual centre for the surrounding residential estate, predominantly made up of 2-storey dwellings. It includes a 3-storey building with retail / commercial uses at ground floor and, on visiting the site, what appears to be residential uses above. In front of the building is an area of open space landscaped with ornamental trees, and opposite that the community centre and school. The street furniture in this area comprises road name signage, a low level fence separating the open space from the pavement, a cctv pole, telegraph pole and streetlights (all of which are lower than the 3-storey building).
6. The siting of the proposal within the open space would constitute a marked change in the visual character of the area. The cumulative effect of the existing street furniture and the proposed monopole and cabinets would significantly increase street clutter in an area recognised positively by its openness. The height and size of the monopole, on its own, would be considerably larger than existing vertical street furniture as well as the 3-storey building. Its appearance would dominate the surrounding area and there is no existing or proposed screening to soften the impact of the proposal's appearance.
7. This would be further exacerbated by the grey and galvanised finishes proposed to the cabinets and monopole which would be at odds to the otherwise dark colour scheme of the existing street furniture. The visually obvious siting of multiple structures and the bulky and industrial appearance of the proposal would be harmful to the character and appearance of the area, degrading its positive contribution to the surrounding residential estate.
8. The appellant has stated that the colour of the proposed equipment could be conditioned to ensure it better assimilates with its surroundings. However, the Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators. In any event, such a change in colour would not sufficiently offset the effect of the pole's height.
9. The appearance and siting of the proposal would therefore harm the character and appearance of the area. This is evidenced by its lack of compliance with London Plan (2021) Policy D8, Enfield Council's Core Strategy (2010) (CS) Policy CP30, Enfield Council's Development Management Document (2014) (DMD) Policy DMD37 and paragraph 115 of The National Planning Policy Framework (2021) (the Framework) insofar as they relate to the character and appearance of an area.

Highway safety

10. The location of the proposed development would be at the back of the existing pavement. This part of Mottingham Road has similar width pavements on both sides. There is a further pavement in front of the 3-storey building beyond the open space. These pavements provide safe pedestrian access to the

commercial / retail units, community centre and school as well as the surrounding residential areas.

11. Although the proposal would reduce the width of the pavement by a degree, this would not be to such an extent as to render it unusable, nor would it constrict the pavement directly adjacent or opposite the entrances into the retail / commercial units, school, or community centre. It would also not limit access to the numerous drop kerbs and crossing points allowing free and safe movement of pedestrians between the various pavements.
12. The siting of the proposal would not, therefore, have a detrimental impact on the safe accessibility of the area for pedestrians and so would not harm highway safety. This is supported by its compliance with London Plan Policy T2, CS Policy CP25, DMD Policy 47 and paragraph 115 of the Framework insofar as they relate to highway safety. Regard was also given to the guidance set out in The Manual for Streets 1 & 3 (6.3.22 and 6.3.23) and the Transport for London Streetscape Guidance.
13. London Plan Policy T3 and CS Policy CP24 were referred to within the reason for refusal, these relate to strategic road developments and are not applicable to this issue.

Need and alternatives

14. The proposal would provide 5G coverage for the wider area. According to the appellant due to the proximity of numerous other cell sites, the potential siting of the proposal is relatively constrained leaving only 9 potential options. 8 of these have been discounted for a variety of reasons including proximity to residential dwellings and obstructing tree canopy. No evidence has been submitted to show how these discounting factors led to the rejection of the other 8 sites and why these factors are not limiting to the site in question, which is also close to residential dwellings and trees, as well as a school. As such I am unconvinced that this specific site is the only appropriate location for installation within the area in question and that the harm found would not be equivalent or less on a site elsewhere.
15. Reference has been made to various other social and economic benefits, but given the scope of the order in regard to development under this particular class, these are matters which I am unable to take into account as considerations are limited to matters of siting and appearance.
16. The appellant considers the lack of alternative sites put forward by the Council at pre-application stage infers the Council's agreeance that this site is acceptable. A lack of objection or proposed alternative is not the same as overt agreeance. With this and the above in mind, I am not convinced that the need or investigation of alternative sites is sufficient to justify the harm that the siting and appearance of the proposed development would be cause to the character and appearance of the area

Other Matters

17. 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.

Conclusion

18. For the reasons given above, the appeal should be dismissed.

RJ Redford

INSPECTOR