



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: 13th July 2022

Appeal Ref: APP/Q5300/W/22/3290597

Stone Hall (FPA), Houndsden Road, Winchmore Hill, London N21 1LP

- 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 GPDO).
 - The appeal is made by MBNL against the decision of the Council of the London Borough of Enfield.
 - The application Ref 21/03882/PAT, dated 7 October 2021, was refused by notice dated 7 December 2021.
 - The development proposed is: Proposed 16.0m High EE / H3G Phase 8 Street Pole and associated ancillary 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 D2, D3, D4 and D8 London Plan (2021), Policy CP30 of the Enfield Core Strategy (2010), and Policy DMD37 of the Enfield Development Management Document (2014) and I have had regard to them as material considerations in so far as they relate to issues of siting and appearance.
5. 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.

Main Issue

6. 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

7. The appeal site comprises a grass verge which runs between a busy road on one side and a footpath/cycle path on the other. To the rear of the site is a small, wooded area. The Council note there are public rights of way (PROW) alongside and through this wood. The wider area consists of mainly residential uses.
8. There are a number of trees, street light columns and an existing mast and associated equipment near to the appeal site. Whilst the trees, existing mast and street lighting columns have a vertical emphasis, the proposed monopole would be a taller column-like structure that would stand out as a prominent element in the street scene.
9. The nearby trees would not screen the mast in the main public views from approach along Houndsden Road or from the junction of Stone Hall Road, albeit they would form a backdrop to it and would mitigate, to some extent, the impact by providing a similar vertical element against which the mast would be viewed. This would particularly be the case when they are in leaf and therefore have a bulkier form. However, the prominence of the mast would be magnified when the branches were bare. Furthermore, the mast and trees would not be seen together in angled views from along the road. Indeed, compared to the conventional scale of the trees, existing mast, street lighting columns and the nearby buildings, the proposal would stand out in the immediate locality because of its excessive height and position.
10. I appreciate that it would be located along the grass verge in a similar line to that of other pieces of street furniture, however, the proposal would introduce an additional structure of a significantly greater height and one of bulkier proportions to that already located on the pavement and would lead to a busier and more cluttered appearance to this section of highway.
11. 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 have a view of the site. The various elements of the proposal alongside pre-existing features on the grass verge would visually detract from the surrounding built environment and from the areas open and verdant character.
12. In these views the proposed monopole would appear as an incongruous, obtrusive and visually dominant feature in the street scene. Even with its siting on the grass verge and the suggestions 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.
13. The applicant states the proposed monopole is the minimum height possible to ensure the antennas can operate above any clutter and I appreciate that this may be the case. I also appreciate that the proposal is an amendment to a previously refused scheme which sought a 20m monopole. Nevertheless, the

mast in its proposed form would introduce an excessively tall and bulky feature in the street.

14. The siting and appearance of the proposal would therefore be obtrusive and visually dominant in the street scene. Hence it would cause harm to the character and appearance of the area.
15. 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.

Suitable Alternatives

16. 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”.
17. 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.
18. The search area for a new mast is constrained geographically within a densely packed residential area. The appeal statement refers to six alternative locations that were discounted for a variety of reasons.
19. However, I find 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. For example, some sites have been discounted due to their proximity to obstructing tree canopies and residential properties. The appeal site is close to both trees 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 visibility splays, pavement width and insufficient space, without providing details or the extent of the constraints.
20. 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.
21. 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

22. A number of representations objecting to the proposal were received. One representative also suggested amendments to the scheme and if they were carried out, they would then support the proposal. However, 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.
23. 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.

Balance

24. 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. 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 the siting and appearance in the context of this case. 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. Based on the evidence before me, 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.
27. For the reasons given above. The proposal is unacceptable and prior approval should not be granted.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

28. 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