



Appeal Decision

Site visit made on 28 June 2022 by S Witherley CIHCM MRTPI

Decision by H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th August 2022

Appeal Ref: APP/V5570/W/22/3290616

Holloway Road, Lower Holloway, Islington, London N7 8HF

- 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 CK Hutchison Networks (UK) Ltd against the Council of the London Borough of Islington.
 - The application Ref P2021/3038/PRA, is dated 10 October 2021, was refused by notice dated 6 December 2021.
 - The development proposed is: Proposed 15.0m Phase 8 Monopole C/W wrapround Cabinet at base 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. My determination of this appeal has been made on the same basis.
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.
5. The Council referenced in its refusal reason the following policies and guidance; Policies D1, D4 and HC1 of the London Plan (2021), Policies CS8 and CS9 of Islington's Core Strategy Your Neighbourhood Your Islington (2011), Policies DM2.1, DM2.3 and DM2.7 of the Development Management Policies (2013), the Urban Design Guide (2017) and the Conservation Area Design Guidelines. I have had regard to these only in so far as they are a material consideration relevant to matters of siting and appearance.
6. I have had similar regard to the National Planning Policy Framework (the Framework) as a material consideration relating to issues of siting and

appearance, including sections on well-designed places and supporting high quality communications.

Main Issue

7. The effect of the siting and appearance of the proposed installation on the character and appearance of the area and whether or not it would harm the setting of the St Mary Magdalene Conservation Area (CA). 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

8. The appeal site is located on the pavement outside the London Metropolitan University. Its sits near to the boundary of the CA which runs along Holloway Road.
9. The University building is of a contemporary modern design and appears as prominent and distinctive feature in the street. The proposal would be seen in the foreground of this building on an area of pavement which is generally free from street furniture. This is in contrast to the pavement directly opposite the appeal site where there is a proliferation of street paraphernalia. The open nature of the appeal site along with the distinctive University building as a backdrop are key and positive contributors to the areas character and appearance.
10. As noted, the site sits close to the boundary of the CA. I have been provided with the Islington's Conservation Area Design Guidelines, A supplement to the UDP (2002), (CADG). From what I have read and from what I saw on site, the significance of the nearby CA, as it relates to this appeal, is derived from the dense urban area which contains a range of buildings of different architectural styles, including some modern interventions. Holloway Road has significant links in history as a main route north and is flanked on both sides by a large number of historic buildings of traditional scale, form and materials. It is this harmonious mix of traditional buildings alongside more modern interventions that make a positive contribution to the character and appearance of the CA.
11. There are trees and lampposts near to the appeal site which provide a vertical reference. These nearby trees would not screen the mast but would act as a backdrop to the proposal in some public views. This would be particularly apparent when the trees are in leaf and therefore have a bulkier form. However, the prominence of the mast would be magnified when the branches were bare.
12. In addition, the mast and trees would not be seen together in angled views and from various approaches taken along Holloway Road. Compared to the conventional scale of the trees, street lighting columns and the University building, the proposal would stand out in the immediate locality because of its excessive height and position. This would result in the proposal appearing as an excessively tall and bulky addition to the street scape appearing as an incongruous, obtrusive and visually dominant feature in the street scene.
13. The proposal would also lead to a busier and cluttered appearance to this section of Holloway Road which would be experienced in views by both passers-by and from the views into and from the nearby CA. As a result, the proposal would visually detract from the surrounding built environment and

from the appeal site's open and spacious character, which, as noted, is a defining feature and worthy of retention.

14. Even with its siting within a deep footway and the suggestions put forward by the appellant to change its colour finish, the proposal would create a harmful visual impact upon the character and appearance of the area. Its siting and appearance would therefore have a harmful effect on the character and appearance of the area and the setting of the nearby CA.
15. The appellant indicates that the proposed 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. 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.
17. The appellant notes the search area for a new mast is constrained geographically. They have provided details of 6 alternative locations that were discounted for a variety of reasons. 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. The reasons for sites being discounted include excessive visual intrusion, proximity to a bridge; an existing cell and to a shop front; and radio perspective, without providing details or the extent of the constraints.
18. I find the level of detail for each alternative site is somewhat limited and the reasons for dismissing them lacks detailed justification. 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.
19. 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

20. 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

21. Prior approval considerations are limited only to matters of siting and appearance. Notwithstanding this, 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 public 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.

22. However, the proposal as a result of its siting and appearance would cause harm to the character and appearance of the area and that of the setting of the designated heritage asset. It has also not been convincingly proven that less harmful alternative sites are not available. Accordingly, the harms are not outweighed by the need for the installation to be sited in the proposed location.

Conclusion

23. 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 as a result of its siting and appearance and the harm that would cause to the character and appearance of the area.
24. For the reasons given above and having had regard to all other matters raised, the proposal is unacceptable and prior approval should not be granted.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

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

H Nicholls

INSPECTOR