



Appeal Decision

Site visit made on 1 August 2022

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17TH August 2022

Appeal Ref: APP/Q5300/W/21/3280481

Junction of London Road and Lincoln Road, Enfield EN2 6EW

- 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 Tom Gallivan of Three against the decision of the Council of the London Borough of Enfield.
 - The application Ref 21/00994/PAT, dated 17 March 2021, was refused by notice dated 11 May 2021.
 - The development proposed is the erection of a 15m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice refusing prior approval was issued prior to the publication of the latest version of the National Planning Policy Framework (the Framework) in July 2021, whilst the appeal was made shortly after the publication. I sought the views of the appellant and the Council on the latest version of the Framework in relation to this appeal and I have had appropriate regard to the comments received.
3. A prior approval appeal should not be determined, expressly or otherwise, on the basis of s38(6) of the Planning and Compulsory Purchase Act 2004 or as though the development plan must be applied. The principle of development is established through the grant of permission by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
4. The provisions of the GPDO, 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.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site is located within an area of landscaped public realm on the eastern side of London Road, just to the north of the junction with Lincoln Road. This area of public realm is part of a larger area that extends northwards along London Road and contains a broad footway with a row of small trees, a separately marked cycleway, further trees and planted areas. Various pieces of street furniture, including lampposts, a bench and cycle racks are also present.
7. To the east of the public realm is a 3-storey brick building containing residential flats, that is set back from the highway. A landscaped area separates the building from the public realm, with a low brick wall forming the boundary along both London Road and Lincoln Road. A further block of flats of similar design encloses this predominantly grassed area to the north.
8. London Road is a busy public transport route and on its western side, and to the south of the appeal site, are a mix of 2 and 3-storey dwellings of different types and design. Larger trees are also present on the western side of London Road and to the south of the appeal site, either within the footway or in private gardens.
9. The appeal development would be a 15 metre high telecommunications mast including a 'wrap-around' cabinet at its base, together with three separate ancillary equipment cabinets to the north. The appeal development would be positioned between the two southernmost trees in the aforementioned row.
10. I note from the evidence that the appellant has followed a sequential approach to site selection and alternative sites nearby have been considered and rejected. The appellant has also submitted a declaration of conformity with the public exposure guidelines of the International Commission on Non-Ionising Radiation (ICNIRP).
11. Pedestrian movement would be largely unaffected by the appeal development due to its position close to the row of small trees. Pedestrians currently tend to move up and down London Road along the footway on either side of the row and such movements would not be affected. Nor would the position of the appeal development restrict the use of a nearby bench, a short distance to the east of the proposed mast.
12. There would be no substantive impact on the cycleway or cycle racks from the appeal development and I note that the Local Highway Authority did not object to the application. Furthermore, the Council did not receive any objections, such as from local residents or businesses.
13. However, the size of the mast would be comfortably taller and considerably bulkier than the existing lampposts on London Road, which are located towards the rear of the footway by the low brick wall. The mast would be located away from the nearest lamppost, and in a more prominent position in the footway.
14. I note that the height of the mast is said to have been reduced from a previous proposal at the site. However, it would still be some three to five times taller than the height of the nearest trees, and together with its bulk and prominent position would be a visually intrusive and incongruous feature in the landscaped footway.

15. The three equipment cabinets, whilst less obtrusive than the mast, would still be bulky additions to the streetscene that would be similarly prominently positioned in the footway. Whilst these equipment cabinets would be screened to a limited extent by the row of small trees, and the two small trees to the west of the appeal site, they would still create a sense of visual clutter that would detract from the character and appearance of the area. They would be readily visible from London Road and from the grounds of the flats to the east.
16. The appellant states that the three equipment cabinets are permitted development and do not require prior approval. However, it is not clear from the evidence that this is the case. Furthermore, the appellant makes a number of references to both the cabinets and the mast in their evidence, rather than just to the mast.
17. Even if I were to accept that the proposed cabinets were permitted development without requiring prior approval, the impact of the proposed mast alone would still cause substantial harm to the character and appearance of the area, as set out above.
18. The appellant makes reference to the various social and economic benefits enhanced telecommunications infrastructure can provide, including as described in the Framework and the development plan. Reference is also made to a statement from the Government concerning collaborating for digital connectivity. However, these have no bearing on the siting and appearance of the proposed development.
19. For these reasons the proposed development would cause unacceptable harm to the character and appearance of the area and would, in so far as it relates to the matters contained under relevant parts of Schedule 2, Part 16, Class A of the GPDO, conflict with Policy D8 (public realm) of the London Plan 2021¹, Policy DMD37 (achieving high quality and design-led development) of the Enfield Development Management Document 2014, and with the Framework 2021.

Conclusion

20. For the reasons given above I conclude that the appeal is dismissed.

A Parkin

INSPECTOR

¹ Spatial Development Strategy for Greater London, March 2021