



Appeal Decision

Site visit made on 26 September 2022

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2022

Appeal Ref: APP/N5090/W/22/3294348

Chris Stevens Ltd, 204 Colney Hatch Lane, Muswell Hill, LONDON N10 1ET

- 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 Cornerstone & Vodafone Limited against the decision of the London Borough of Barnet.
 - The application Ref 21/4624/PNT, dated 23 August 2021, was refused by notice dated 30 September 2021.
 - The development proposed is "the installation of 1No. 17.5m high monopole supporting 6no. antennas, the installation of 2no. cabinets and 1no. meter cabinet and ancillary works thereto".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (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.

Planning policy

3. Permitted Development rights are established by the GPDO. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. However, I have had regard to the policies of the development plan and the National Planning Policy Framework (The Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the surrounding area and the living conditions of neighbouring occupiers in terms of outlook, and if any harm caused, would be outweighed by the need for the installation to be sited in the location proposed having regard to the potential availability of alternative sites.

Reasons

5. The appeal site is within an area of landscaping adjacent to a car park to the rear of a commercial unit and warehouse. The commercial site is within a residential area. The rearmost building is adjacent to the plots of a number of dwellings of Wetherill Road and Cambridge Gardens. Wetherill Road largely consists of detached and semi-detached housing, whilst Cambridge Gardens is a development of three-storey blocks of flats. The appeal site is adjacent to the rear boundaries of the site, with mostly deciduous trees evident beyond the boundary within neighbouring land. The appeal site is currently used for external storage and is rather unsightly. However, the storage materials are low-lying and discrete from neighbouring views with limited visual intrusions into this open space. As such, the appeal site makes a neutral contribution to the character and appearance of the area.
6. Although the appeal site is part of a commercial premises, the rearmost car park is relatively open and complements the spacious residential character of adjacent gardens and other open spaces created by car parking and landscaped areas. The proposed mast would be screened from many public views due to the proximity and close-knit pattern of local development. The proposed mast would have a limited impact on public views from Colney Hatch Lane and Wetherill Road.
7. Nevertheless, the proposal would be seen from several street views within Cambridge Gardens. In these views the proposed mast would appear as a strident addition that would be out of place within this largely open and verdant area. It would be viewed as being substantially taller than nearby built form, including the adjacent commercial premises and the lighting columns within its car park, and would not be particularly well screened. Consequently, the proposal would erode the spacious character of the area, introducing a tall and obtrusive utilitarian feature into this residential setting.
8. Also, several residential blocks within Cambridge Gardens and dwellings within Wetherill Road would overlook the proposal over a comparatively short distance. Occupiers of 14 and 15 Wetherill Road and the nearest blocks of flats in Cambridge Gardens would be especially affected with the mast in central views from rear windows. Although some of these views would be partially obscured by tree cover the proposal would nevertheless be an obtrusive addition to these outlooks. Furthermore, the visibility of the mast would be increased in winter months when the adjacent tree cover, of the largely deciduous trees, would be limited. Accordingly, the mast would be an overt and visually disruptive feature within the outlook of windows from several habitable rooms of nearby dwellings. Although a relatively small number of occupiers would be affected this would not diminish the substantial visual impact on their outlook.
9. Accordingly, the proposed mast would harm the character and appearance of the area and the outlook from neighbouring residential occupiers resulting in visual harm due to its siting and appearance.
10. The Appellant's coverage map illustrates that the site is within an area of poor 3G coverage. The proposal would occupy this gap and raise the quality of indoor signal to the highest strength available in a dense urban area. The identification of a suitable site is therefore subject to a number of constraints

including the high concentration of residential properties within the area and the restricted search area due to coverage requirements.

11. The Appellant has shown through an alternative site survey that several other roadside sites were considered but found to be unable to accommodate the required equipment. However, during my visit I observed that a roadside mast has been installed opposite Wetherill Road, indicating that such sites exist in the area that could accommodate the proposal, despite the Appellant's assertions. Moreover, other sites, such as those within the nearby golf club, may offer a suitable alternative location despite being marginally beyond the search area. Therefore, the alternative site assessment fails to demonstrate that an alternative site, in a less visually sensitive location, does not exist.
12. Insofar as they are material considerations, I have also had regard to policies DM01 and DM18 of Barnet Development Management policies (2012). These policies, among other matters, seek development to be based on an understanding of local characteristics and for telecommunication equipment to have no significant adverse effect on the space in which it is located.

Other Matters

13. Reference has been made to various social and economic benefits, but these have not been considered in regard to matters of siting and appearance.
14. The appeal decisions in evidence, demonstrate that the benefits of delivering advanced digital connectivity have outweighed the harm caused by the visual effect of the development in some situations. Nevertheless, in this case the harm found to both the character and appearance of the area and occupiers' outlook is substantial and would not be outweighed by the proposal's benefits.
15. I am cognisant that interested parties have raised, through representations, concerns with respect to health. However, 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 in this regard would be justified.

Conclusion

16. The Framework places importance on decisions that support the expansion of electronic communication networks. Nonetheless, this objective does not outweigh the identified harm, or the limited evidence demonstrating why the proposal could not be more appropriately located on an alternative site.
17. It is therefore my judgement, that the identified harm and conflict with the development plan and the Framework, as it relates to siting and appearance, is not outweighed by the other material considerations.
18. For the above reasons, the appeal is dismissed.

Ben Plenty

INSPECTOR