



Appeal Decision

Site visit made on 7 November 2022

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th November 2022

Appeal Ref: APP/M5450/W/22/3294908

Camrose Avenue, London Borough of Harrow, London HA8 6ET

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3203/21, dated 25 July 2021, was refused by notice dated 22 September 2021.
 - The development proposed is 18.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.
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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 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.

Planning Policy

3. Part 16 of the GPDO 2015 establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
4. Nevertheless, Policies DM1 and DM49 of the Harrow Council Development Management Policies document, 2013 are material considerations as they relate to issues of siting and appearance. In particular, they seek to ensure, that siting telecommunication apparatus on existing masts or buildings has been explored and that all development proposals which fail to achieve a high standard of design and layout, or which would be detrimental to local character and appearance, will be resisted. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration, and this includes a section on supporting high quality communications.

Main Issues

5. The main issues are 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

6. The appeal site forms a part of a large grass verge area crossed by footpaths within a predominately residential area although other land uses are nearby including a primary school. Road junctions are located to the sides of the grass verge. Roadside grass verges are a feature of Camrose Avenue and many of them include trees. Many of the properties on Camrose Avenue principally have driveways to their fronts but some have garden areas with trees and hedgerows. Existing street furniture in the area includes lighting columns, telegraph poles and signage. The residential properties which surround the site are generally semi-detached properties which are 2 storeys in height, although it is apparent from the presence of roof and dormer windows that many also have accommodation within their roof spaces.
7. The proposed mast would be substantially taller than the nearby street furniture, the nearest trees, and the adjacent buildings. It would also be bulkier in appearance than the street furniture in the area by reason of its girth whilst it would exhibit a top heavy appearance due to the antennas proposed siting at the uppermost section.
8. Owing to the width of the footpaths and the presence of grass verges many of the properties on this part of Camrose Avenue are set well back from the road. Adjacent to the site Camrose Avenue includes a dedicated right hand turn lane and a pedestrian refuge and the road is therefore wide at this point. Together with the size of the grass verge that the site forms a part of, this provides for an open aspect to the immediate surrounds of the site. As a result, in approaches to the site the height and bulk of the mast would be readily apparent. I accept that, from certain vantage points, such as on the footpath on Camrose Avenue west of the site, that there is a density to the tree coverage and frequency to the street furniture which would, in combination, provide some screening and softening of the development such that the visual effects of the development would be moderated. However, from other vantage points and approaches such as eastern approaches on Camrose Avenue the site screening and softening would be ineffective and the size and bulk of the mast would be unsympathetic. Even if an appropriate colour finish were applied to the mast, this would not remove the harm caused by its height and bulk. For these reasons, I conclude the proposed development would have adverse effects upon the character and appearance of the area.
9. Having regard to paragraph 117 of the Framework, the requirement for the development to be sited in the location and form proposed should be justified. The appellant has explained that the height of the mast is necessary for operational reasons and to ensure suitable coverage. I have no reason to dispute the specification and the height of the proposed development.
10. Whilst I accept that operational requirements and technical constraints also affect the potential to erect antennas on existing buildings, masts or other structures, very little evidence has been submitted in regard to why, in this

case, this is not a suitable alternative. Such options have been discarded without clear or site-specific reasoning. There are multiple storey buildings in locations close to sites considered by the appellant for ground-based masts which may provide suitable alternatives, yet no detailed reference is made to this end.

11. Alternative locations for new ground-based mast site options are submitted and the Council have accepted that some of the alternatives would be no more suitable than that proposed or that they would have worse effects. I have no reason to disagree with those conclusions. However, I particularly note that the alternatives adjacent to the residential flats south of the junction of Burnt Oak Broadway and Camrose Avenue have been discounted on the grounds of "residential amenity issues" and "proximity to residential properties and exposure". No further explanation is provided, and I have no substantive evidence before me which shows that the relationship that those flats would have to a mast adjacent to Burnt Oak Broadway would be worse than in the appeal scheme. Furthermore, the character of the area around the aforementioned flats is more mixed use than that within which the appeal site is situated and contains taller buildings and buildings of a commercial nature. For these reasons, this area warrants a robust assessment as an alternative.
12. Therefore, the development would harm the character and appearance of the area and, furthermore, limited justification for the discounting of other sites has been provided with little evidence submitted to support assertions that other options are unavailable or unsuitable.

Other Matters

13. Reference has been made to various social and economic benefits, but these have not been taken into account in considering the matters of siting and appearance.
14. The proposal may meet the International Commission guidelines on non-ionising radiation protection, and the appeal site may have been chosen in part because the grass verge permits some separation to residential property so as to limit effects upon their living conditions. An absence of harm in relation to these matters weighs neither for nor against the appeal proposal. The lack of public objection does not in itself render the scheme acceptable.
15. I accept that the proposed development could be suitable for future mast sharing opportunities with other operators and this would align with advice within the Framework that telecommunications masts should be kept to a minimum consistent with the needs of consumers. However, I have no substantive evidence before me that other operators would share the mast in the future and in any case, I have already set out that the proposal is harmful and potential alternative locations should be explored.
16. The equipment cabinets associated with the mast may be of dimensions so that they constitute permitted development without the requirement for prior approval in their own right, but this does not outweigh the harm that I have identified would be caused by the mast itself.
17. The appeal site may not have any particular land designation or identified sensitivity, however, despite this, I have nevertheless identified harm in the main issues.

18. Whether or not the Council provided pre-application feedback has little to do with the planning merits of the case.

Conclusion

19. For the reasons given above, the appeal is dismissed.

H Jones

INSPECTOR