



Appeal Decision

Site visit made on 21 November 2022

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th December 2022

Appeal Ref: APP/Y5420/W/22/3299306

Area of Footway, High Road, Noel Park, Haringey, Greater London N22 8JX

- 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 CK Hutchison Networks (UK) Ltd against the decision of London Borough of Haringey.
 - The application Ref HGY/2022/0402, dated 14 January 2022, was refused by notice dated 11 March 2022.
 - The development proposed is the proposed erection of a 20 metre high Phase 8 telecommunications pole with built-in cabinet, 3no. separate cabinets and ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is no dispute that the proposal would accord with the requirements of Schedule 2, Part 16, Class A, Paragraph A.2(3) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) requires the local planning authority to assess the proposed development solely on the basis of its siting and appearance. My determination of this appeal has been made on the same basis.

Planning policy

3. 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. However, I have had regard to the development plan and the National Planning Policy Framework (The Framework) only in so far as they are material considerations in reference to matters of siting and appearance. As such, I have had regard to policies DM1, DM3 and DM9 of the Development Management Development Plan Document, policies SP11 and SP12 of the Haringey Local Plan, and policy HC1 of the London Plan. These seek, among other matters, for telecommunication equipment to not create an adverse impact on the street scene or spaces in which they are located and to respect the significance of heritage assets.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area, including on the Trinity Gardens Conservation Area (TGCA) and the Grade II listed Haringey Civic Centre, High Road, Wood Green, and if any harm were to occur, whether this is outweighed by the need for the installation to be sited as proposed taking account of any suitable alternatives.

Reasons

Character and appearance and effect on heritage assets

5. High Road, close to the appeal site, consists of mostly commercial buildings including the Haringey Civic Centre and St Michael's Church. The Civic Centre overlooks a small car park, and a landscaped buffer that separates the car park from the footway adjacent to High Road. The site is opposite the junction with White Hart Lane. The adjacent open space is partly framed by the Civic Centre. The space and the building therefore interrelate and demonstrate a creatively planned and elegantly executed post war civic centre and environs. The appeal site, in front of the civic centre is within the footway adjacent to the landscaped buffer. The site, absent development, makes a positive contribution to the character and appearance of the area as part of its setting.
6. The appeal site is located within the setting of the Civic Centre, which is a grade II listed building. Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 (the Act) does not apply in this instance as the duty to preserve the setting of listed buildings does not apply as the proposal seeks Prior Approval. Nonetheless, appropriate consideration can still be given to the provisions under Section 16 of the Framework. The Civic Centre is a grand three and part four-storey building that originates from 1958. It is the first civic building completed after the Second World War and has influenced the design of many later civic buildings. It consists of brown brick and reinforced stone with aluminium framed windows. It has a strong Scandinavian influence and is a modern building with high quality materials. Its significance therefore derives from both its architectural and historical interest.
7. The proposal would be close to the frontage of the civic centre, albeit separated by the car park and landscaped buffer. Nevertheless, due to the scale and prominence of the mast it would stand plainly within the foreground of the building and be a strident feature within key views of the building's frontage. Telecommunication equipment would therefore appear prominent in many views. As such, the proposal would appear visually disruptive within the setting of the listed building and thus harm its significance.
8. The site is also within the TGCA. Special attention must be given to the desirability of preserving or enhancing the character or appearance of conservation areas by virtue of Section 72 of the Act. The TGCA includes the civic centre and some residential properties. Nonetheless, the conservation area mostly encompasses a series of interconnected formal landscaped green spaces, that are enclosed by streets and historic buildings. These connected environments create a strong network of spaces that contribute interest and identity to the area. Consequently, the significance of the TGCA appears to derive from its architectural and urban planning interest with particular focus on the civic centre and planned civic space located around it.

9. The proposed mast would be sited within an exposed location. Due to its height, it would not be readily screened or framed by the adjacent tree cover behind. For similar reasons it would not complement existing streetlights or other street furniture due to its bulk and height. Furthermore, despite the sites urban location, views of the mast would be experienced from long distances along High Road, White Hart Lane and over the adjacent open space. In this context the proposal would be an obtrusive and overt addition to the street.
10. The presence of three and four storey flatted development within the area, are not within immediate eyeline of views of the proposed masts. Therefore, local buildings do not enable the proposal to integrate well with its surroundings. Moreover, despite being proposed to be painted black, it would be an incongruous feature in the streetscape. Consequently, due to the siting of the proposed mast and its relationship to surrounding civic space, the proposal would not preserve the TGCA. Consequently, the proposed mast would also be harmful to the character and appearance of the area.
11. The identified harm to the heritage assets would be visual without causing physical harm to the listed building and would only affect a part of the conservation area. Consequently, I have calibrated the harm to these heritage assets as being 'less than substantial'. Paragraph 199 of the Framework attributes great weight to any harm. Nonetheless, paragraph 202 of the Framework requires any harm to a designated heritage asset to be weighed against any public benefits. This matter will be considered in the Planning Balance section below.

Alternative sites

12. The site is within the setting of a listed building and within the TGCA. Such locations are considered to be sensitive locations for telecommunication equipment and should generally be avoided unless there are no other sites available.
13. The Framework encourages the reuse and adaption of existing base stations. It also states that proposals for new masts should evidence the possibility of erecting antennas on an existing building, masts or other structures. This establishes a sequential approach first favouring the reuse of existing sites.
14. The coverage map illustrates that the search area is relatively constrained due to the high frequency and low power output of the installation. Figure 1 of the Appellant's pre-app consultation document shows coverage areas, local to the proposed site. This shows the locations where poor signal coverage exists (in blue) and these areas overlap much of the conservation area. Therefore, the location presents constraints due to the size of the conservation area, the high concentration of residential properties in the area and the constrained search area. I am also cognisant that the proposal is located away from immediate views of occupiers of residential properties and would not obstruct users of the footway.
15. The Appellant identifies that the upgrading of existing sites is not available. However, the Appellant's evidence does not convince me that roof top installations have been adequately considered to discount such an option.
16. The map provided at figure 2 shows that location of 5 alternative sites. The Appellant asserts that these were reasonably discounted and as such no

suitable alternative site to the proposal exists. The alternative sites are for ground base masts and are all within the conservation area, although most do not appear to be located as close to a listed building as the appeal site. Furthermore, site D5 was discounted due to its effect on the high levels of pedestrian traffic anticipated being close to a school.

17. However, this assessment does not satisfy me that site D5 would necessarily present a less desirable option than the appeal site. Furthermore, the catchment area and identified 'gap', of figure 1, includes areas that appear to be outside the conservation area boundary and could present sites in less visually sensitive locations. Accordingly, I am unconvinced that a thorough review of possible options within the search area has been conducted.

Planning Balance and conclusion

18. Paragraph 200 of the Framework states that any harm to the significance of a designated heritage asset requires clear and convincing justification. Paragraph 202 specifies that where less than substantial harm to a designated heritage asset has been identified this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
19. The Framework places importance on decisions that support the expansion of electronic communication networks. It states that new masts should be sympathetically designed. Such equipment should be consistent with the needs of consumers, the efficient operation of the network and provide reasonable capacity for future expansion.
20. The Appellant identifies a need to provide new 5G network coverage in the area. The proposal would improve the provision of mobile connectivity, support the delivery of a reliable and efficient communication system that would help reduce traffic congestion and support home working. Moderate weight is attributed to these benefits given that the improved coverage would be limited to users of this network and the broad nature of the suggested economic and social opportunities.
21. The Appellant also suggests the proposed location is typical of such apparatus in an urban location and would not be directly in front of any residential properties. However, the absence of harm is not considered a benefit but a neutral matter.
22. Accordingly, the suggested public benefits of the appeal proposal would not outweigh the identified harm to the character or appearance of the TGCA and setting of the Civic Centre. Also, the proposal is supported by insufficient evidence to demonstrate why the proposal could not be more appropriately located on an alternative site. It is therefore my judgement, on balance, that the identified harm and conflict with the Framework, as it relates to siting and appearance, is not outweighed by the other material considerations.
23. For the above reasons, the appeal is dismissed.

Ben Plenty

INSPECTOR