



Appeal Decision

Site visit made on 2 August 2022

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2023

Appeal Ref: APP/M5450/W/21/3287882

LAND AT HIGH ROAD, WEALD LANE, WEALDSTONE, LONDON, HA3 5EG

- 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 and Telefonica UK Ltd against the decision of London Borough of Harrow.
 - The application Ref P/1859/21, dated 26 April 2021, was refused by notice dated 26 June 2021.
 - The development proposed is installation of a 20m monopole supporting 6 no. antenna, 2 no. transmission dishes, 2 no. cabinets and ancillary development thereto.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a 20m monopole supporting 6 no. antenna, 2 no. transmission dishes, 2 no. cabinets and ancillary development thereto at Land at High Road, Weald Lane, Wealdstone, London HA3 5EG in accordance with the terms of the application Ref P/1859/21 dated 26 April 2021 and the details submitted with it.

Preliminary Matters

2. In accordance with the provisions of Schedule 2, Part 16 of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), and subject to any relevant exception, limitation or condition specified therein, development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network is permitted development. This requires the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. Accordingly, the principle of development is not a consideration. My determination of this appeal has been made on this basis.
3. The relevant provisions of the GPDO do not require regard to be had to the development plan. Accordingly, I have had regard to the policies and guidance which has been drawn to my attention only insofar as they are a material consideration relevant to matters of siting and appearance. They are not, in themselves, determinative.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposal 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

5. The appeal site is located to the rear of the Rowanweald Residential and Nursing Home and comprises an area within the car park between two grassed areas. The nursing home is a modern building with a pitched roof which fronts High Road. The rear car park is surrounded by neighbouring residential properties with the rear gardens of Nos 35 and 37 Enderley Road and Nos 241 and 241A High Road backing onto the appeal site itself. Properties along Weald Lane also overlook the site. The rear gardens nearby are generally fairly long and are separated from the appeal site by mature trees and vegetation.
6. The proposal is for the installation of a 20m monopole supporting 6 no. antenna, 2 no. transmission dishes, 2 no cabinets and ancillary development. Due to the height and size of the mast the proposal would rise above nearby trees and buildings. The monopole would also be of greater height than lighting columns within the car park.
7. The proposed mast would be particularly prominent when viewed from High Road and Enderley Road; as illustrated by the photomontage at Appendix T of the appellant's statement. In these views the proposed mast would be apparent above nearby buildings and trees and would be an obtrusive feature which would be out of keeping with the residential character, appearance and scale of the surrounding area. Views towards the proposed monopole from these nearby residential dwellings and their gardens would also be possible, though I note that the existing trees and vegetation would provide some degree of screening and would act as a backdrop against which the mast would be viewed.
8. There is an existing base station atop Masion Alfont, 251 High Road which is considered to be a well-established 3G telecommunication site. Though this equipment is visible in views towards the appeal site, due to its siting it is somewhat less visually intrusive than would be the case should the proposal before me go ahead.
9. I note that the proposed mast would, to some extent and in some views, be screened by mature trees and surrounding buildings thus lessening the extent of its impact. I also acknowledge that the stretch of High Road opposite the nursing home has a commercial character and appearance and that High Road itself includes a variety of street furniture and other paraphernalia such as lampposts. This would result in the harm caused by the mast being fairly localised from viewpoints where the surrounding roads have a notably different, domestic, character and appearance.
10. Furthermore, the proposed scheme has been sensitively designed in respect of utilising the most slim monopole possible and an unobtrusive colour scheme in order to reduce any impacts of the proposal on the character and appearance of the area. Nevertheless, for the reasons set out above, I consider that the proposal would cause harm to the character and appearance of the area.

11. The National Planning Policy Framework (the Framework) advises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. It also outlines that the expansion of electronic communications networks, including next generation mobile technology, should be supported.
12. The appellant states that the development is necessary to replace telecommunications equipment serving the area which, as a result of proposed redevelopment at the site is set to be removed. A replacement site is being sought in order to ensure that the appellant has a secure tenure, that service provision within the area is not affected and would additionally bring next generation technology to the locality. Though I note that planning permission for the redevelopment of the existing site had not yet been granted at the time the appeal was submitted, the appellant states that they believe permission for redevelopment of some type will be granted. The Council do not dispute the appellant's statement that an alternative site is required. The appellant is also clear that, due to the level of uncertainty, no improvement works would be undertaken at the existing site. Thus any opportunities for improvements to the communications network would not be realised without an alternative site.
13. Information on existing and predicted mobile telecommunications coverage in the vicinity of the appeal site has been provided by the appellant. The coverage plans indicate that on removal of the existing installation at Maison Alfont coverage would be reduced significantly. Consequently, there would be a high probability of dropped or missed calls. The appellant also states that the coverage plans do not account for the effect of features such as trees and buildings which would attenuate 3G transmissions. Actual coverage and service levels are therefore likely to be less than suggested by the predictions. The coverage plans also identify a significant improvement in 4G and 5G coverage were the proposal to go ahead.
14. I consider that the resultant restricted coverage and capacity in the area would be inadequate to meet the needs of local businesses and the community. It would also be contrary to Framework's emphasis on extending and future-proofing digital connectivity in order to ensure that communities can benefit from economic growth and greater social inclusion.
15. Having considered all of the above, I concur with the view of the appellant that there is a need for a replacement facility within close proximity to the existing site and also hold that it is reasonable that any new site should provide similar or improved coverage to that which is currently in place.
16. I recognise that the proposed location, and the design of the development, were chosen on the basis of a number of factors with the aim of limiting any potential impacts of the scheme. I acknowledge the need for the proposed monopole to be 20m high, given the constraints, context and limitations of the site, in order to ensure that it would operate efficiently and provide the desired coverage. I am mindful that there is no requirement for developers to suggest the best feasible siting; The Framework requires only that supporting evidence for a new mast or base station should include 'evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure'.
17. The evidence before me indicates that no other appropriate telecommunications base stations are present within the search area, other

than the existing equipment which is due to be removed. I have been presented with evidence which suggests that other buildings or structures within the search area have been ruled out. The largely two-storey buildings along High Road, to the south of the junction with Weald Lane are unsuitable due to their pitched roof design, low height and would not be structurally capable of bearing the load of the required equipment. Similarly, the three-storey properties, some of which have a flat roof, to the north of the junction with Weald Lane would also be unsuitable due to the significant structural works which would be required and due to their prominent position within the street scene. Other buildings, such as that at No. 3 Weald Lane, were also ruled out due to the height of mast, and the appearance of such a mast, which would be required to clear the surrounding obstacles which could interfere with the signal.

18. The appellant has also included evidence that a number of other ground based locations have been considered and explanations as to why other such locations are not considered suitable have been provided. Sites have been discounted for a number of reasons including physical or space constraints, clutter which would harmfully reduce the effectiveness of the equipment, height restrictions and sites which would have a more harmful impact on the character and appearance of the area. The Council consider that the search for other sites within the desired area has not been comprehensive. However, no detailed, specific substantive evidence to suggest that previously ruled out sites could be appropriate or suggestions of alternative sites has been provided.
19. For the reasons set out above, I find the appellant's evidence in respect of their search and assessment of alternative sites to be robust. As such I am satisfied that there is a lack of reasonable alternative options to the proposal which would provide an appropriate standard of telecommunications connectivity within the area. I therefore consider that there is a strong need for the installation to be sited as proposed taking into account any suitable alternatives and I attribute this need significant weight.

Other Matters

20. I have taken into account other representations; including those from interested parties. A number raise concerns over potential health risks. 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 would be justified. There is no substantive evidence to suggest that the ICNIRP guidelines would not be met, and a departure from the approach within The Framework would not therefore be justified.
21. Concerns have also been raised about the effect of the proposal on nearby trees which are under a Tree Preservation Order, particularly the two oak trees which are identified as of a high quality and value in the landscape. However, the Arboricultural Report prepared by ACS Consulting and dated October 2021 states that the proposed equipment would be located outside the root

protection areas and canopies of these trees and holds that the proposal could be carried out without causing harm to the protected trees.

22. Concerns raised that property values would be adversely affected have not been substantiated with detailed evidence. Moreover, planning is concerned with land use in the public interest rather than the protection of private interests.

Planning Balance

23. I have identified that the proposal would cause harm to the character and appearance of the area. However, due to the proposed location of the development, intervening screening and the nearby commercial area along High Road I have found this harm to be relatively localised.
24. I have also found that there is a clear need for the development in this location in order to sustain and enhance communications infrastructure within the area. The evidence before me indicates that there is a lack of reasonable alternative sites within the area which would provide the required coverage. I am also convinced that, should the proposal not go ahead and the existing equipment be removed, the quality of communications services within the area would be seriously deficient. I also recognise the benefits associated with improved communications infrastructure within the area which would not otherwise be achieved.
25. I have given careful regard to all of the above considerations. Consequently, in my view, and with regard to the specific circumstances which are present in this case, the benefits of the scheme would outweigh the harm which would be caused to the character and appearance of the area.

Conditions

26. Any planning permission granted under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

27. For the reasons given above I conclude that the appeal should be allowed and prior approval should be granted.

L J O'Brien
INSPECTOR