



Appeal Decision

Site visit made on 6 December 2022

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 16 January 2023

Appeal Ref: APP/Y5420/W/22/3303571

Westbury Avenue SWS, Westbury Avenue, London, N22 6RX

- 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 the Council of the London Borough of Haringey.
 - The application Ref HGY/2022/1318, dated 28 April 2022, was refused by notice dated 23 June 2022.
 - The development proposed is proposed telecommunications installation: proposed 'slim line' phase 8 monopole c/w wraparound cabinet at base, 3no. additional ancillary equipment cabinets 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 (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.

Planning Policy

3. The principle of development is established by the GPDO, and the provisions of Schedule 2, Part 16, Class A do not require regard to be had to the development plan. Nevertheless, Policies SP11 of the Haringey Local Plan (2017) -the Local Plan, Policies DM1, DM3 and DM54 of the Haringey Development Management Development Plan Document (2017) -the DPD- and Policies D8 and SI6 of the London Plan (2021) are material considerations, as they relate to issues of siting and appearance. In particular, they seek to ensure all development is well-designed, minimise the impact of new telecommunications apparatus on visual amenity and safeguard pedestrian movement. The National Planning Policy Framework (the Framework) is also a material consideration, and it includes a section on supporting high quality communications.

Main Issues

4. The main issues in this appeal 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

Character and appearance

5. The appeal site lies on Westbury Avenue, close to its junction with Lordship Lane and in front of the Westbury Medical Centre (the medical centre), a two storey building with a large dormer set into its main roof. In the vicinity of the site Lordship Lane is characterised by parades of commercial premises, fronting a busy urban road with wide footways. Behind Lordship Lane lie residential streets, mainly fronted by terraced dwellings.
6. The buildings around this junction, and in the wider area, are generally limited to two or three storeys in height, although there are taller buildings in the wider area. There are occasional street trees on Lordship Lane and Westbury Avenue close to the junction, although they have no great stature and have limited canopies. Overall the area has a pleasant sense of spaciousness despite its busy urban character.
7. There are streetlights of slim design down both sides of the local streets. One, in particular, is located in front of the medical centre in close proximity to the appeal site. These are the tallest examples of street furniture and are noticeable features in the street scene. There are also traffic signs and signals in the vicinity, together with bollards, litter bins, bicycle racks, bus stops and a pillar box and as such street furniture is visually prominent in the wider area, but generally limited in height, the street lighting columns being a notable exception.
8. The proposed 18 metre monopole and associated cabinets would be located on a wide footway. It would be some distance from the nearest street trees, so the installation would not be screened by them in close views around the junction and their limited stature would not screen the monopole in longer views due to its height. Further, during the winter the trees would drop their leaves reducing the limited screening. The equipment would, therefore, be visible and a highly prominent feature on this open corner site from many vantage points, both in the public realm and from the windows of properties.
9. Whilst there are streetlights in close proximity, they are of a much slimmer design, and only a little more than half the height of the proposed mast. The structure would be higher than any of the surrounding buildings and trees and would be much bulkier than any of the existing street furniture in the locality. It would, therefore, be a dominant and incongruous feature, that would fail to assimilate into its surroundings. Its harmful visual impact would be readily perceived by residents and by people visiting or passing through the area.
10. It is contended that the street trees would reduce the visibility of the installation. However, I saw that the monopole would be largely unscreened, and would form a prominent focal point in views up Westbury Avenue and along Lordship Lane from the east beyond its junction with Downhills Way and The Roundway, some distance from the site. The trees would have limited screening effect in these views. In all of these views, it would be an alien feature in this otherwise suburban location. Consequently, its harmful impact would not be confined to the area immediately around the crossroads.

11. In arriving at this conclusion, I have considered the appellant's suggestion that the colour of the mast would assist in assimilating the functional nature of the installation into the street scene. However, whilst this may reduce its prominence to a limited degree, it would not successfully conceal its height, bulk, and incongruous presence in these surroundings.
12. For the above reasons, I conclude that the proposal would be harmful to the character and appearance of the area. Consequently, I must consider whether this harm is outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Reason for installation and alternative sites

13. The installation is required to fill a gap in 5G coverage in a mixed use area surrounding the site, where access to digital services is poor. Paragraph 115 of the Framework advises that the number of telecommunications masts should be kept to a minimum, consistent with the needs of consumers, the efficient operation of the network, and the provision of reasonable capacity for future expansion. It also encourages the use of existing masts, buildings, and other structures. However, it does recognise that new sites may be required for new 5G networks. The evidence indicates that the sequential approach to site selection set out in paragraph 117 of the Framework has been followed, and that there are no opportunities for erecting antennas on existing buildings, masts, or other structures.
14. It is contended that, within a constrained search area, the appeal site presents the only viable solution, bearing in mind technical requirements. The appellant's evidence highlights four alternative sites within the target coverage area that have been considered, but the reasons given for discounting them are brief. The site referred to as D1 was rejected due to its use for parking vehicles. However, there is no explanation why it would not be possible to protect the installation. The evidence is not sufficient in detail for me to safely conclude that this general area would not provide a less harmful location for a new site.
15. The site referred to as D2 was rejected as being inappropriate due to the limited width of footway and the location being within a Conservation Area (CA). Whilst the footway in this location forms a wide build-out, there would seem to be likely issues of visibility similar to the appeal site, and these would be compounded by the location within a CA. The site considered on Tintern Road, referred to as D3 has more limited footway width available than the appeal site.
16. A further potential site, D4, identified as being on Westbury Avenue, but on the accompanying plan shown as being on Grainger Road, was discounted as having a more limited footway width and engendering potential visibility splay issues. These reasons would suggest that sites D2, D3 and D4 would not be less harmful locations for a new site.
17. On the evidence before me, therefore, I cannot conclude that the appeal site represents the least harmful alternative for a new installation to provide 5G coverage for the area. Consequently, the harm that the proposal would cause to the character and appearance of the area is not outweighed by the need for it to be sited as proposed.

Other Matters

18. 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.

Conclusion

19. For the reasons given above, I conclude that the appeal should be dismissed.

I A Dyer

INSPECTOR