



Appeal Decision

Site visit made on 30 January 2023

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2023

Appeal Ref: APP/N5090/W/22/3306198

Wellhouse Lane Streetworks, Wellhouse Lane, Barnet, Greater London EN5 3DJ

- 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 Barnet.
 - The application Ref 22/3317/PNT, dated 23 June 2022, was refused by notice dated 28 July 2022.
 - The development proposed is a 5G telecoms installation: H3G Phase 8 high street pole with additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is no dispute between main parties 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.
3. The Council's Statement of Case states that the appeal site is within Wood Street Conservation Area (WSCA). However, in consideration of the submitted map I am satisfied that the WSCA boundary is outside, but adjacent to, the conservation area.

Planning policy

4. The principle of development is 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 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 DM01 and DM18 of the Council's Development Management Policies (DMP). These seek, among other matters, for telecommunication equipment to not create an adverse effect on the space in which they are located and for development to be based on an understanding of local character.

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 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

6. Wellhouse Lane is a narrow road that includes a footway on one side. The appeal site is a short distance from the main access to Barnet Hospital and alongside its car park. The site is part of the footway, within a roadside location, between the hospital grounds and Whalebones Park. The park, within the WSCA, is enclosed by mature tree screening alongside Wellhouse Lane. This conveys a semi-rural character that complements the landscaped grounds of traditional housing found on Wood Street. The hospital car park and Whalebones Park convey a sense of openness, due to the limited presence of built form. This context, coupled with the relatively narrow highway and footway, creates a verdant and open suburban character, which the site makes a positive contribution towards.
7. The proposed mast and cabinets would be similar in scale to nearby trees but would be substantially taller than the streetlights. The tree screening, especially within the park would prevent some wider views of the mast from the north and northwest of the site. Nonetheless, views of the site from the south through the car park, would be open and exposed. Whereas the existing car park lighting and streetlights are widely spaced features, and low-key, maintaining the suburban and open character of the area.
8. Furthermore, views from the south within the car park and southwest along Wellhouse Lane, look up towards the site on gradually rising land. This elevational change increases the prominence of the proposal and would add further harm to its exposed and intrusive impact on the streetscene. As such, due to its exposed location, the absence of screening and the change in levels, the proposal would have an adverse impact on the streetscene. Furthermore, the associated cabinets would add to the visual clutter created by the proposal. Accordingly, the proposed mast and its associated equipment would be prominent in views from Wellhouse Lane and the hospital grounds. It would not integrate well with the surrounding context and would be a dominant feature that would be out of place in this relatively open and exposed location.
9. The proposed mast would be close to the front outlook of a dwelling located opposite the site and closer to Wood Street. Nevertheless, due to the orientation of the dwelling and its separation distance to the site, the outlook of occupiers of this dwelling would not be materially harmed.
10. Accordingly, the proposed development would harm the character and appearance of the area due to its siting and appearance. It would therefore fail to accord with the Framework which requires masts to be sympathetically designed and for development to be sympathetic to local character.

Alternative sites

11. 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.
12. The coverage map illustrates that the search area currently receives good coverage, but the Appellant has identified a need to improve this due to the area being densely populated. 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 to the southeast and northwest of the site. The location presents some constraints due to the proximity 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.
13. The Appellant identifies that the upgrading of existing sites is not available and that the use of existing buildings for equipment could not be identified. However, the evidence fails to fully convince me that roof top installations have been adequately considered to discount such an option.
14. The map provided at figure 2 shows the location of four discounted alternative sites. These are for ground base masts, some being within the WSCA and close to dwellings, although these do not appear to be as exposed as the appeal site and may not affect living conditions. Furthermore, the search area for the alternative sites is comparatively wide, whilst the selected sites are relatively few. As such, I am unconvinced that the alternative site assessment demonstrates a clear and persuasive argument that no site, in a less obtrusive location within the search area, exists.

Other Matters

15. Chapter 10 of the Framework identifies that high quality and reliable communications infrastructure is essential for economic growth and social well-being. It requires planning decisions to support the expansion of electronic communication networks, including next generation mobile technology. The proposed mast would provide improved 5th Generation coverage in and around the Wellhouse Lane area of Barnet. These considerations weigh in favour of the proposal.
16. I am cognisant that interested parties have raised, through representations, concerns with respect to health. However, the Appellant has confirmed 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

17. Although the Framework's provides support for the expansion of electronic communication networks, this would be outweighed by the identified harm to the character and appearance of the area. For the above reasons, the appeal should be dismissed.

Ben Plenty

INSPECTOR