



Appeal Decision

Site visit made on 23 March 2023

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th May 2023

Appeal Ref: APP/N5090/W/22/3310134

High Road, Fallow Corner, London Borough of Barnet, London N12 0BA

- 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 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 Barnet.
 - The application Ref 22/3900/PNT, dated 24 July 2022, was refused by notice dated 6 September 2022.
 - The development is Proposed telecommunications installation: Proposed 16.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order), 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.
3. The principle of development is established by the Order and the provisions of Schedule 2, Part 16, Class A of the Order do not require regard be had to the development plan. I have had regard to the policies DM01, DM17 and DM18 of Barnet's Development Management Policies SPD (Adopted September 2012) only in so far as they are a material consideration relevant to matters of siting and appearance.
4. The appellant claims the proposed equipment cabinets could be provided under permitted development rights without the need to apply for prior approval. Even so, these are shown on the appeal plans and so I have taken account of the cabinets in my assessment.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposal on
 - i) the character and appearance of the area; and
 - ii) pedestrian movement; and
 - iii) if any harm would 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. The appeal site is situated on a pavement on High Road (A1000), close to its junction with Summers Lane. The site is immediately adjacent to a belt of trees and vegetation. Immediately opposite, a development of several residential dwellings was under construction at the time of my site visit. The pavement is relatively wide at this point and provides a link between a residential area and a nearby leisure park. I observed that the pavement is well used by pedestrians in both directions.
7. The proposal would involve the installation of a 16-metre-high monopole with an integrated base cabinet and three further cabinets of varying sizes alongside. The equipment would be located at the back of the pavement. An Armco barrier is proposed at the pavement edge, which would extend beyond the length of the installation as a whole.
8. This side of the road is free of street furniture except for slender street lighting columns and highway information signage, all of which are located at the pavement edge. The absence of visual clutter within the street scene on this side of the road contributes positively to its character and appearance.
9. The 16-metre height of the monopole, taller than the surrounding trees and buildings would be excessive in this location, directly opposite residential properties under construction. Furthermore, the column width would be bulky in comparison to the streetlighting and signage poles close by. Together with the base cabinets the installation would appear as incongruous features within their immediate surroundings. Moreover, the Armco barrier would be unsightly and utilitarian in its appearance directly opposite residential dwellings.
10. I acknowledge that the site is not within an area with a statutory designation such as a conservation area and is not directly adjacent to sensitive receptors. Nevertheless, the proposal when viewed as a whole, would appear visually intrusive in its context, introducing an element of clutter where there is otherwise very little. The proposal would therefore fail to integrate into its surroundings.
11. In light of the above, I find that the siting and appearance of the proposed development would result in unacceptable harm to the character and appearance of the area. As such it would conflict with Barnet's Development Management Policies SPD (DMPD) policies DM01 and DM18 with regards to siting and the effect on the character and appearance of the surrounding area.

Pedestrian Movement

12. High Road is a busy vehicular route. Footfall was relatively frequent in this area at the time of my early afternoon weekday site visit, with a number of individuals and small groups of people using the pedestrian route. Given the proximity of leisure facilities and the nature and mix of land uses in the vicinity of the site and my observations on site, it is likely that these movements may increase at busier peak times during the evening and weekends.
13. The installation of the proposed monopole and cabinets at the back of the pavement together with the Armco barrier at the pavement edge would take up a considerable amount of the pavement which would reduce its overall width

and the space accessible to pedestrians. The resultant passageway would be narrow and would restrict the free flow of pedestrians in this location. Although this would affect all users of the footway, the reduction in space would be particularly detrimental to those with limited mobility who require the use of a wheelchair or those with pushchairs, who may be unable to negotiate the footway safely due to the lack of necessary space. Whilst I acknowledge that a nearby tree within the pavement currently restricts the width of the pavement, the proposal would serve to extend that restricted width for a significantly longer distance.

14. The proposed Armco barrier would prevent pedestrians from dangerously stepping out onto this busy stretch of road. However, it also further restricts the amount of space available to pedestrians. Therefore, as the resultant footway would be impeded by both the proposed pole and the associated cabinets, it would significantly harm safe pedestrian movement to the detriment of highway safety. Moreover, no specific justification has been given for the installation of the Armco barrier.
15. Therefore, overall, the proposal would unacceptably obstruct pedestrian movement and hinder the free flow of pedestrians, creating a significant pinch point in the pavement. As a result, the free flow of pedestrians would be impeded which in my view, would result in an unacceptably uncomfortable experience for pedestrians.
16. In so far as they are material considerations, conflict would therefore arise with DMPD policies DM17 and DM18 which amongst other matters, require regard to be had to the siting and design of telecommunications development and the safety of all road users.

Alternative Sites

17. For a new mast or base station paragraph 117 c) of the Framework requires the developer to submit evidence that they have explored the possibility of erecting antennas on an existing building, mast or other structure. The appellant states that the cell search area is very constrained with options limited, and that the proposed location is the only viable option.
18. As well as the appeal site, several alternative sites have been considered to accommodate the proposed development. These were discounted for various reasons, including visibility issues, tree canopies and proximity to residential dwellings. The Council do not contest this, and I can see that there is some evidence for discounting these alternative sites. Therefore, although limited evidence has been provided in relation to site sharing or the use of an existing building or tall structure, I accept that it is unlikely that a more suitable site is available to fulfil the identified operational needs of the appellant, which are supported by Chapter 10 of the Framework. The need for improving the telecommunication network /mobile broadband services in the area is therefore given moderate weight in my overall decision.
19. However, on balance, I do not find that the advantages of allowing the appeal scheme would outweigh the significant harm to the character and appearance of the area and safe pedestrian movement arising from the siting of the development.

Other Matters

20. I appreciate that the appellant sought pre-application advice from the Council before submitting the application, however, this was not via the Council's established formal pre-application service. Furthermore, I have not been provided with any substantive evidence that a response or support for the proposed location was received. I am also aware that the proposed monopole has been reduced in height since a previously refused application. Nonetheless, these matters have had no bearing on the outcome of this appeal as I have only had regard to the planning merits of the proposal that is before me.

Conclusion

21. In coming to my decision, I have had regard to the advice in the Framework in respect of the installation of telecommunications equipment. Approval of this application would help to provide reliable and efficient digital communications to help meet the needs of businesses and communities, enabling users to work efficiently wherever they are located. However, these benefits would not outweigh the harm that I have identified above.
22. Therefore, for the reasons given, I consider that the siting and appearance of the proposal would be unacceptable. The appeal should therefore be dismissed.

K L Robbie

INSPECTOR