



Appeal Decision

Site visit made on 25 April 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2023

Appeal Ref: APP/N5090/W/22/3310519

Sussex Ring Streetworks, Sussex Ring, Woodside Park, London Borough of Barnet N12 7HY

Grid Ref Easting: 525374, Grid Ref Northing: 192263

- 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 & 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 22/4324/PNT, dated 19 August 2022, was refused by notice dated 4 October 2022.
 - The development proposed is Proposed telecommunications installation: Proposed 15.0m Phase 9 slimline Monopole 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 (GPDO 2015), 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. Part 16 of the GPDO 2015 establishes that the proposal is permitted development. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
4. Nevertheless, policies DM01 and DM18 of Barnet's Local Plan Development Management Policies Development Plan Document, 2012 and policy G7 of the London Plan, 2021 are material considerations as they relate to issues of siting and appearance. In particular, these policies seek to ensure that telecommunication installations are appropriately designed, coloured and landscaped and that alternative options for equipment siting are explored. These policies also require that all development proposals respect local context, character, spaces and streets whilst, wherever possible, trees should be safeguarded.

5. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration, and this includes sections on supporting high quality communications and achieving well-designed places.

Main Issues

6. 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 would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

7. The appeal site forms part of a grass verge adjacent to a roundabout. The verge contains 2 trees together with a bench, a phone box, an equipment cabinet and a road sign. Similar verges are located on the opposite sides of the roundabout junction. There are further grass verges and street trees within the highways which meet at the roundabout. The local area is predominantly residential in character although there is a concentration of commercial premises beside the roundabout. Properties in the area are generally 2 or 3 storeys in height. Existing street furniture in the area includes lampposts, telegraph poles, road signs and bus stops. Areas of parkland are also located nearby to the appeal site and, together with the mature gardens that serve many properties and the aforementioned verges and trees, this provides for a verdant character.
8. Given the number of trees within and adjacent to the highways which approach the roundabout, I accept that, in more distant views farther away from the appeal site there is a density to the tree coverage and a frequency to the street furniture which would, in combination, provide some screening and softening of the development particularly in the times of year when trees are in leaf. However, owing to the grass verges and the wide paved areas, properties adjacent to the roundabout junction are set well back from the road. The design of the roundabout itself and the presence of pedestrian refuges forms a wide highway. Together, these factors provide for a quite open aspect to the immediate surrounds of the site.
9. Being 15 metres in height, the proposed mast would be substantially taller than the nearby street furniture and the adjacent buildings. Although the particular mast proposed may be slimmer than some alternative design options, given its girth in comparison to nearby street furniture and the antenna toward the top, it would nevertheless appear bulky. Although the appellant has put to me that such telecommunications infrastructure is an established feature of the area, on the basis of the evidence of existing installation locations and my own observations on site, there are no similar installations in the immediate area.
10. As a result, in approaches to the site, particularly at closer vantage points the height and bulk of the mast would be readily apparent and would appear striking, dominant and intrusive in the street scene. Although much lower in height than the mast itself, the accompanying equipment cabinets would, nevertheless, by reason of their number, footprint and mass, create a bulky introduction to the street scene. Even if an appropriate colour finish were applied to the mast and cabinets, this would not sufficiently mitigate the effects wrought by their siting and design.

11. The proposed installation would develop and thereby erode a parcel of the grass verge which forms the appeal site, whilst the utilitarian design and scale of the mast and associated equipment would jar with its verdant character. The mast and cabinets would also be installed close-by to both of the trees within the verge. Both the Council and appellant make reference to the NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (NJUG Guidelines). Amongst other matters, the NJUG Guidelines set out tree protection zones where excavation either must not be undertaken or, should only be undertaken under strict conditions in order to avoid or minimise damage to the root systems of trees. To ensure that excavations would take place at a distance that would prevent or minimise damage to the tree roots, this guidance document further sets out that a distance calculation based upon the circumferences of the trees must be undertaken. No details of the circumferences of the trees are before me. I also note the consultation comments made by the Council's Tree Officer which submit that heavy tree pruning would likely be necessary to facilitate the installation of the mast and that, in turn, this would be likely to result in tree decline and removal.
12. On the basis of the evidence before me, given the proximity of the trees to the proposal, I find it likely that the development would pose a clear risk to their health and life expectancy due to a combination of damage to their roots and heavy pruning. Should these effects upon the trees come into fruition, their loss or deterioration in their appearance would contribute further to the erosion of the verdant character of the verge and, surrounds of the site more widely.
13. For these reasons, the proposed siting and appearance of the installation would result in harm to the character and appearance of the area.
14. Having regard to paragraph 117 of the Framework, the requirement for the development to be sited in the location and form proposed should be justified. The appellant has explained that the height of the mast is necessary for operational reasons and to ensure suitable coverage. I have no reason to dispute the specification and the height of the proposed development.
15. The appellant has also submitted details of sites and proposals within the target coverage area which have been considered as alternatives to this development. Details of alternative sites are discounted for a range of reasons including that there would be conflict with overhead cables, insufficient pavement width and due to the proximity to residential property. The Council have not submitted to me that they dispute these conclusions. Whilst I note public representations state that more suitable locations are likely to exist and should be identified, few specific locations are identified. Partingdale Lane is put to me as one option, however, I fully expect this would be beyond the target service area. Lullington Garth is another suggestion and, I note that the appellant has discounted one site on this road on the basis that it would be too far from the search area nominal and, that the pavement width would be insufficient. Whilst there would be land on Lullington Garth closer to the nominal, given the amount of street furniture, street trees and vehicular accesses in this location, it is not clear to me that a suitable site could likely be identified.
16. Therefore, it is not clear that more suitable alternative sites are likely to be available. Advanced, high quality and reliable communications infrastructure is

essential for economic growth and social well-being. These benefits, and general support for such proposals are clearly set out in the Framework whilst some are also referenced within supportive public representations. Given the benefits, the absence of suitable alternative sites weighs strongly in favour of the proposal.

17. However, I have identified that by reason of its utilitarian appearance, height mass and bulk that the proposed installation would create striking, dominant and intrusive features within the street scene. These harmful effects would be compounded by the harm that would be likely to occur to trees within the verge and, the erosion of the positive visual contribution that this verge makes. In these particular circumstances, the harm upon the character and appearance of the area would be so significant that it would not be outweighed by the need for the installation to be sited as proposed, even accounting for the absence of suitable alternatives.

Other Matters

18. The proposal would meet the International Commission guidelines on non-ionising radiation protection, and the appeal site may have been chosen in part to ensure some separation to residential property so as to limit effects upon their living conditions. Although the proposal would result in the loss of a parcel of the grass verge, notably the bench would remain and therefore its function, including as a meeting place, would continue to endure. The siting of the installation would be set back from the carriageway and the adjacent pavement. Therefore, I accept that the proposal would not impede the passage of pedestrians, nor unacceptably impinge upon the sightlines of either pedestrians or motorists using the highway. The ongoing maintenance requirements of the installation would also be minimal. However, an absence of harm in relation to these matters weighs neither for nor against the appeal proposal.
19. The proposed equipment cabinets associated with the mast may be of dimensions so that they constitute permitted development without the requirement for prior approval in their own right. However, this does not alter that the installation, as a whole, would be harmful. Furthermore, as the mast is integral to expanding and improving the network coverage it is unlikely that the erection of the cabinets would be pursued without it. The appeal site may not have any particular land designation or identified sensitivity, however, despite this, I have nevertheless identified harm in the main issues.
20. Finally, I note that there is some disagreement between the main parties in regard to the level of pre-application engagement that took place. However, this has little if any bearing upon the need for the proposal, the effects of its siting and appearance or, the availability of alternatives. Therefore, it is unnecessary for me to address this matter further.

Conclusion

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

H Jones

INSPECTOR