



Appeal Decision

Site visit made on 19 April 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2023

Appeal Ref: APP/Y5420/W/22/3310154

Path on Jarrow Road Street Works, London N17 9FH

- 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 Mr Cameron Wilson of CK Hutchison Networks (UK) Limited against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2022/2401, dated 22 August 2022, was refused by notice dated 17 October 2022.
 - The development proposed is 5G 20m telecoms installation: H3G street pole and additional equipment cabinets.
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Decision

1. The appeal is allowed and 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 the proposed 5G 20m telecoms installation: H3G street pole and additional equipment cabinets at land at Path on Jarrow Road Street Works, London N17 9FH in accordance with the terms of the application, Ref HGY/2022/2401, dated 22 August 2022, and the plans submitted with it including: 002 Site Location Plan, 215 Proposed Site Plan and 265 Proposed Site Elevation.

Procedural Matter

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 provisions of the GPDO do not require regard to be had to the development plan. Nevertheless, I have had regard to the policies in the Haringey Development Management DPD (Adopted July 2017) (the DMDPD), Haringey's Local Plan Strategic Policies 2013-2026 (formerly the Core Strategy) March 2013 – Consolidated with alterations since 2017 (the LPSP), and The London Plan (March 2021) (the LP2021), only insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the proposed installation's siting and appearance on the character and appearance of the surrounding area.

Reasons

5. The site comprises an area of public footway close to the junction of Jarrow Road and Ferry Lane, a short walk from Tottenham Hale bus, rail and underground station. The site sits adjacent to an area of publicly accessible open space that is home to several large mature trees and some smaller more recently planted trees.
6. The opposite side of Jarrow Road to the east and south is occupied by dwellings forming part of the Ferry Lane Estate, predominantly comprising 3 to 4 storey blocks of flats and terraced houses. To the north of the site, the opposite side of Ferry Lane comprises taller residential and mixed-use development that has been built more recently. Some construction work was ongoing at the time of my visit. The area overall appeared busy and vibrant, with an abundance of passing vehicular and pedestrian traffic.
7. The proposed installation would be taller than the closest dwellings on the Ferry Lane Estate. Whilst it would be taller than many of the trees within the adjacent open space, some nearby trees would be marginally taller. Consequently, views of the installation from properties to the east of Jarrow Road would be set against the backdrop of the mature trees, which would also provide some screening to the installation when viewed from the west and southwest. Whilst it would be more clearly visible from some angles, particularly during months when the trees are not in leaf, the relatively slim profile and neutral colour would assist in integrating the structure into the surroundings.
8. A range of street furniture exists in the vicinity, including roadside lighting columns in a range of types, sizes and colours. Whilst the proposed installation would be taller than many nearby features, the established and varied presence of vertical structures in the streetscene provides an environment to which the proposed installation would not appear alien. Furthermore, the nearby presence of significantly taller buildings along Ferry Lane would mean its scale would not appear disproportionate.
9. The installation would be visible from the windows and gardens of nearby residential properties on the Ferry Lane Estate and the more recently built residential development to the north of Ferry Lane. However, it would be reasonably well separated from the closest residential properties by a road and, therefore, would not appear dominant or overbearing. Whilst the adjacent area of open space provides some welcome relief to the predominantly urban surroundings, the proposed installation would be located on the footway adjacent to the road. Accordingly, it would retain a degree of separation from the open space in both visual and functional terms and would not adversely affect any existing trees or planting. Furthermore, it would be sited on a wider section of footpath where the pole and associated equipment cabinets would not appear uncharacteristic, nor would they hinder pedestrian movement.
10. It is clear from the appellant's submission that there is a need for improved network coverage in the area, and that the search area is tightly constrained to

what is a densely populated residential area. The appellant's submission demonstrates that alternative sites within the search area have been discounted for reasons including unsuitable pavements, proximity to structures such as bridges and proximity to residential housing. Furthermore, because of the constrained nature of the search area, the discounted sites would in all likelihood be equally as prominent as the proposed location.

11. For the reasons outlined above, the proposed installation would not be harmful in terms of the effect of its siting and appearance on the character and appearance of the surrounding area. Insofar as they are a material consideration relevant to these matters, the proposal would comply with Policies DM1, DM3 and DM54 of the DMDPD, Policy SP11 of the LPSP and Policy SI 6 of the LP2021. Together, these policies seek to ensure that development proposals relate positively to their locality, and promote high quality communications infrastructure where it is appropriately designed and located.

Other Matters

12. Concerns have been raised about potential effects on human health and the health of wildlife. 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 National Planning Policy 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.
13. Other matters have been raised, such as the effect of the proposal on property prices and other economic considerations. However, as previously noted, the principle of development has been established by Article 3(1) of the GPDO, and none of these matters fall within the exceptions, limitations or conditions specified in Schedule 2. Consequently, they are not therefore material to the determination of this appeal.

Conditions

14. Any planning permission granted for development 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

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

P Storey

INSPECTOR