



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: 6 July 2023

Appeal Ref: APP/Y5420/W/22/3310142

White Hart Lane Street Works, London N17 7AW

- 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/2022/2402, dated 22 August 2022, was refused by notice dated 17 October 2022.
 - The development proposed is 5G 18m telecoms installation: H3G street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

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 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 is an area of grass verge adjacent to the pavement on the north side of White Hart Lane, which is a busy thoroughfare providing a bus route and has an abundance of passing vehicular and pedestrian movement.
6. Two mature trees share the verge close to the appeal site. The immediate surrounding area contains various forms of development including commercial units and a recently constructed multi-storey block of residential flats. The ground of the local football club and its car park lies on the opposite side of White Hart Lane. Further afield is residential development comprising mainly semi-detached houses to the southeast. Existing street furniture in the vicinity comprises mainly of lamp posts. At the time of my visit a zebra crossing was under construction adjacent to the site, which featured new lamp posts incorporating Belisha beacons.
7. The proposed street pole forming part of the installation would extend substantially above the height of the adjacent trees, commercial buildings and street furniture. Although it is not clear from the plans how the height of the installation would relate to the nearby block of flats, it would be clearly visible at close range from many of its windows and balconies, from where it would appear as an unduly dominant feature.
8. Whilst I recognise the nearby mature trees would provide an element of screening, the site remains visually open from many angles, particularly from the south and west. Coupled with the scale and appearance of the installation, any mitigation provided by the trees would therefore be of limited value.
9. I recognise that the proposed grey colour seeks to assimilate the structure with the surrounding environment. However, the predominantly open nature of the site and the conspicuous scale of the installation in the context of the surroundings would lead to the street pole appearing as a visually dominant and discordant feature, and the proposed colour would not mitigate this. Whilst I find no specific harm in terms of the siting or appearance of the proposed equipment cabinets, this would be a neutral factor that would not weigh in favour of the proposals.
10. For the above reasons, the proposed siting and appearance of the installation would result in unacceptable harm to the character and appearance of the area. Insofar as they are a material consideration relating to these matters, the proposal would conflict with Policies DM1 and DM3 of the DMDPD, and Policy SP11 of the LPSP. Together these policies seek, among other objectives, for development proposals to relate positively to their locality, and to promote high quality communications infrastructure where it is appropriately designed and located. The decision notice also refers to Policy HC1 of the LP2021, which addresses heritage conservation and growth. However, on the basis that the proposal does not affect any designated or non-designated heritage assets, this policy is not a determinative factor in my decision.

Suitable alternative locations

11. The appellant has provided a plan of the intended target/search area and has identified potential alternative sites. The search area appears tightly constrained, and the effects of the siting and appearance of the installation for

all options would likely be similar to that of the proposed location. The alternative sites have been dismissed for reasons including being in a predominantly residential location, unsuitable pavements and inadequate visibility splays. This would suggest that other sites are not sequentially preferable to the appeal site.

12. However, the Council and several of the public representations have drawn my attention to a recent consent for prior approval¹ for a telecommunications installation in very close proximity to the appeal site but further from the residential flats. At the time of my visit the consented installation had not yet been installed.
13. Neither the recent consent nor its site have been referenced in the appellant's submission. Given the potential implications for the appeal, the appellant has been invited to submit comments on this matter, but no further submissions have been received.
14. Based on the information before me, the consented scheme appears visually similar to the appeal proposal, albeit marginally taller and comprising slightly different telecommunications equipment. Although the two schemes have been put forward by different operators, I am provided with no evidence that it would be unfeasible to share infrastructure or that the other site could not be used for this proposal instead. Accordingly, I do not find that the proposal has provided sufficient evidence of a thorough review of all alternative means of providing coverage in the search area. The harm identified above is therefore not outweighed by a demonstrated lack of alternative sites.

Other Matters

15. Concerns have been raised about potential effects on health. 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 (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 would be justified.

Planning Balance and Conclusion

16. I acknowledge the proposed installation would deliver significant benefits to mobile telecommunications in the area. However, I am provided with insufficient evidence that an alternative location could not deliver the same benefits with a less harmful effect on the character and appearance of the area.
17. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR

¹ HGY/2021/2455, Granted 30/09/2021 - Installation of a telecommunications base station consisting of a 20m monopole supporting 6 no. antenna, 2 no 300mm dishes, 1 no Yorkshire EUL cabinet together with ancillary development thereto. (Prior notification: Development by telecoms operators) – Location: Outside 550 White Hart Lane, N17.