



Appeal Decision

Site visit made on 31 May 2023

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 31st July 2023

Appeal Ref: APP/M5450/W/22/3313795

Northeast highways verge at junction of Courtenay Avenue and Chicheley Gardens, Courtenay Avenue, Harrow, Middlesex HA3 6LW

- 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 Cornerstone against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1756/22, dated 13 May 2022, was refused by notice dated 6 July 2022.
 - The development proposed is the installation of 1No. 17.5m high monopole together with 2No. equipment cabinets, 1No. meter cabinet and ancillary apparatus thereto.
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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 a 17.5m high monopole together with 2No. equipment cabinets, 1No. meter cabinet and ancillary apparatus thereto at the northeast highways verge at junction of Courtenay Avenue and Chicheley Gardens, Courtenay Avenue, Harrow, Middlesex HA3 6LW in accordance with the terms of the application Ref P/1756/22, dated 13 May 2022, and the plans submitted with it including: Drawing 100 Revision A 'Site Location Maps', Drawing 200 Revision A 'Site Plan Existing', Drawing 201 Revision A 'Site Plan Proposed', Drawing 300 Revision A 'Site Elevation Existing', and Drawing 301 Revision A 'Antenna & Equipment Layout'.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (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.
3. The Council has referred to a number of development plan policies in its decision notice. However, the principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues in this appeal are the effect of the siting and appearance of the proposal on the character and appearance of the area and, if any harm would occur, whether this would be outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Character and appearance

5. The proposal would consist of a 17.5 metre (m) high telecommunications monopole with associated cabinets. It would be located on the wide grass verge just behind the footpath to the east side of Courtenay Avenue, at the junction with Chicheley Gardens and opposite Tillotson Road. The verge is classed as Designated Open Space. Although the proposal would be high in comparison to its surroundings, it would be screened in part by a series of mature trees running along the verge's centreline towards the junction with Uxbridge Road. It would also have a significant backdrop of mature trees which run along the verge boundary with an adjacent public park. Most of the trees are well established and have high canopies which would be of a similar height to the proposal. Other than the public park, the surrounding area is predominantly residential.
6. The proposal would be readily visible to varying degrees from certain vantage points along the surrounding roads, including Courtenay Avenue and Chicheley Gardens. However, with its slimline monopole and stacked antenna design, and being viewed within the context of the nearby high tree screening and canopy backdrop, the proposal's height would be softened and its form would not appear unacceptably prominent or incongruous in the street scene. This would be especially the case in summer when the trees have full foliage. Even in winter, due to the size and grouping of the trees, the loss of foliage would not significantly reduce the screening and backdrop that the trees provide.
7. While the verge is classed as open space and has been left largely undeveloped, the proposed cabinets would be located to its outer edge and only a small area would encroach into it. It would be located close to the road and nearby associated street furniture. With its short linear cabinet arrangement and separate monopole, when viewed in the context of the wide and extensive road and verge corridors, it would not appear as an overly dominant feature in the verge. It would not result in any significant visual clutter that would be detrimental to the character and appearance of the area or the quality of the open space.
8. The Council has identified a variety of appeal decisions¹, to demonstrate that the benefits from improvements to telecommunications are not always regarded as sufficient to overcome the harm to the character and appearance of an area. However, while I have had regard to these, there are a variety of differences such as varying telecommunication types/sizes, visibility of the sites and the landscape settings they sit in. As such none of the examples provided are directly comparable to the appeal before me. The appeals do not, therefore, change my findings regarding the proposal.

¹ APP/M5450/W/21/3284530, APP/M5450/W/21/3282950, APP/M5450/W/19/3242603, APP/P4225/W/19/3221504, APP/G5180/W/19/3240742, APP/A5270/W/20/3245050, APP/F5540/W/19/3243685 and APP/P4225/W/20/3245264.

9. Based on what I saw at the site visit and on the evidence before me, my conclusion is that the proposal would not significantly harm the character and appearance of the area. As such, insofar as it is a material consideration, it would comply with Policies DM1 and DM49 of the Harrow Development Management Policies Local Plan 2013. These, amongst other matters, seek to ensure development achieves a high standard of design and that layout and telecommunications structures are kept to a minimum with their visual impact appropriately mitigated.

Suitable Alternatives

10. The Council did not accept the alternative site assessment due to the high number, five out of eight, of the sites being discounted for not providing the required coverage. It is, however, clear that the appellant selected sites both inside and outside of the search area that they considered were potentially suitable on technical and planning grounds. It only followed, after a more detailed assessment, that the coverage provided by some of the sites was found to be unacceptable. Although the number of these sites was high, the assessment still demonstrates that eight alternative sites had been considered and the reasons for discounting them were sufficiently detailed. The Council indicates that there were other more appropriate sites that should have been assessed, but little evidence has been provided to substantiate these.
11. The Council refer to a number of appeals² which were dismissed on the basis that insufficient justification for the siting was provided to outweigh the harm caused to character and appearance. While in these cases the justification was not considered sufficient by the Inspectors, in this case the appellant has considered a sufficient number of alternative sites and has provided an adequate explanation for the conclusion they reached. The appeals therefore do not change my view on the proposal.
12. Consequently, in assessing the proposal, the appellant has sufficiently demonstrated that alternative sites have been explored and discounted for specified reasons. The proposal, which would support the expansion of high-quality electronic communications networks, would accord with the National Planning Policy Framework 2021 in respect of new telecommunications sites.

Other Matters

13. A representation has been made regarding the proposal's location in relation to the public park and safety for residents. With respect to the public park, the proposal would be positioned outside of this area and close to the road. It would therefore have very limited impact on the use of the park area. The specific concern regarding resident safety has not been detailed. However, in relation to potential effects on health and wellbeing, 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) has been submitted. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with, and no evidence that resident safety would be harmed by the proposal has been presented.

² APP/A5840/W/20/3254824, APP/M5450/W/21/3282950 and APP/M5450/W/21/3284530.

Conditions

14. Any planning permission granted for the 17.5m high monopole together with 2No. equipment cabinets, 1No. meter cabinet and ancillary apparatus thereto 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.

J Symmons

INSPECTOR