



Appeal Decision

Site visit made on 8 August 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2023

Appeal Ref: APP/V5570/W/23/3318126

Highways Land, Newington Green Road, London, N1 4QR

- 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 CK Hutchison Networks (UK) Ltd against the decision of the Council of the London Borough of Islington.
- The application Ref P2022/4276/PRA, dated 15 December 2022, was refused by notice dated 6 February 2023.
- The development proposed is installation of 20m pole inc. antennas, ground based apparatus and ancillary development.

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 (GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the Council 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 GPDO and there is no requirement to have regard to the development plan as there would be for a development requiring planning permission. Nevertheless, Policies D4, HC1 and SI6 of the London Plan (2021) (LP), Policies CS8 and CS9 of Islington's Core Strategy (2011) (CS) and Policies DM2.1, DM2.3 and DM2.7 of Islington's Development Management Policies (2013) (DMP) are material considerations as they relate to issues of siting and appearance. In particular, they seek to ensure that development has a high quality of design, is appropriate to its location and conserves the significance and setting of the borough's heritage assets. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration, and this includes policies for conserving and enhancing the historic environment and a section on supporting high quality communications.

Preliminary Matter

4. The front cover of the appellant's statement refers to the installation of a 17 metres (m) streetpole mast and the introduction states that the proposed development is for a 17m mast. However, the description of development on the application form is for a mast of 20m. The submitted plans also show a

mast of 20m. As such, the description of development in the banner heading above is taken from the application form and I have assessed the proposal on this basis.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area, including the setting and significance of the Newington Green Conservation Area (NGCA) 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

6. The appeal site is an area of footpath on Newington Green Road where the path widens adjacent to a block of flats. There are a number of vertical features nearby to the site, including street lights, zebra crossing beacons and trees. Street furniture comprises metal railings next to the road and bollards for motorcycle parking.
7. The boundary of the NGCA runs immediately adjacent to the appeal site and as such the proposal would be seen in conjunction with views into and out of the conservation area and is part of its setting. I observed that the NGCA features a broad mix of design of period properties, most notably groups of terraces. Insofar as it relates to this appeal, the significance of the NGCA is primarily derived from the style and scale of buildings and their relationship with the public realm.
8. The appeal site comprises an area of hardstanding at the rear edge of the footpath, in views from the edge of the NGCA it therefore reads as an area of pavement. The site makes little contribution to the significance of the NGCA and its setting. However, while the proposed monopole would occupy only a very small proportion of any views into and out of the NGCA it would be of considerable height at 20m to the top of the tower and would be incongruous, and an intrusive feature in the surrounding area. There would be a noticeable projection above the block of flats in short and longer views, and the proposed mast would appear significantly taller than existing street furniture and other vertical features nearby.
9. The proposal is therefore contrary to the advice set out in the Urban Design Guide Supplementary Planning Document (2017) which sets out that the size, height and positioning of masts should avoid adversely impacting the skyline in longer views. As a global and urban capital, London may well require substantial telecommunications infrastructure, and even if the site is not subject to any national environmental designations, the mast and cabinets would be clearly visible in views along the adjacent highways as well as the footpaths and would be conspicuous from several directions, by virtue of its corner location.
10. While the proposal would have an urban context where monopoles may not be unusual, and even if the least intrusive 5G design has been selected, owing to its height and width the monopole would be a utilitarian structure. The entire mast and cabinets would be visible along Mildmay Grove North and in these views, despite the backdrop of the block of flats, the modern design would draw the eye and be noticeable against the generally traditional appearance of

nearby properties. Viewed in this context, the proposal would appear out of place and would contrast with the architectural qualities of the locality, including the adjacent NGCA, detracting from the streetscape.

11. The appeal proposal's height would appear to be necessary to enable local provision, clear surrounding buildings and meet guidelines for non-ionising radiation protection. Furthermore, the appeal scheme has been designed with urban, roadside locations in mind, would not affect the free flow of pedestrians or visibility splays and would be clear from essential underground services. However, the proposal would nevertheless still be a substantial structure in an open area of pavement.
12. The appellant has drawn my attention to another appeal decision for a telecommunications installation. However, that proposal was in a different borough, was for a replacement mast and was not within the setting of a conservation area. As such it has a different context and is not directly comparable. In any event, I must consider the appeal scheme on its own merits.
13. Having regard to my above findings that the proposal would not blend into the townscape and rather would be a conspicuous and intrusive feature in the surrounding area, it follows that I find that the proposal would have a harmful effect on the setting and significance of the NGCA. The harm that I have identified would be 'less than substantial' harm to the contribution that the setting makes to the significance of the NGCA. The Framework indicates that great weight should be given to the conservation of heritage assets, irrespective of the level of harm. Any harm to the significance of a designated heritage asset should also require a clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
14. Paragraph 114 of the Framework outlines that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and planning decisions should support the expansion of electronic communications networks. I also acknowledge that the LP highlights the delivery of a modern communication network across London as an important element in ensuring global competitiveness. The area does not have a 5G service which would be addressed by the proposal and the appellant has demonstrated that there is a particular need for the proposed telecommunications equipment in the area, which is said to have seen a proportionately greater increase in demand for data. I also acknowledge the numerous economic and social benefits arising from a 5G network. These are clear public benefits of the proposal.
15. In line with Paragraph 117 of the Framework, the appellant has set out the sequential approach in relation to suitable alternative sites for the proposed development. Siting of the scheme has been driven by coverage requirements and I acknowledge that masts for 5G need to be located where the service is used. Nearby buildings are not suitable for the appeal scheme and site sharing is said to have been investigated and exhausted. Alternative locations for the siting of the proposal within the search area are assessed and have been discounted by the appellant as they have been found to be less suitable than

the appeal site despite some of the sites being located further away from the NGCA.

16. While a number of reasons have been set out, including impact on residential amenity, footway width and affecting visibility splays it is not clear which reasons apply to which alternative site. Moreover, an additional alternative site is referred to in the appellant's statement which does not feature in the supplementary information document submitted with the application. As such, based on the evidence before me, it has not been clearly articulated that a robust review of the availability of alternative sites for the appeal scheme has been undertaken, in line with the provisions of Section 10 of the Framework. Consequently, it has not been demonstrated that the appeal site represents the only viable option.
17. The Framework supports the expansion of electronic communications networks, including next generation mobile technology and as stated there would be important social and economic public benefits from the proposed development addressing an identified need for additional communications apparatus in the area which weigh in favour of the appeal scheme. However, I am not satisfied that alternative sites have been properly explored and, in any case, it is my overall view that the need for the proposed development does not outweigh the harm to the character and appearance of the area, including the great weight to be given to the less than substantial harm to the setting of the NGCA, arising from the siting and appearance of the proposed development.
18. To conclude, I find that the siting and appearance of the proposed installation would be harmful to the character and appearance of the area, including the setting and significance of the NGCA. Insofar as they are material considerations, the proposed installation would be in conflict with Policies D4, HC1 and SI6 of the LP, Policies CS8 and CS9 of the CS and Policies DM2.1, DM2.3 and DM2.7 of the DMP. Amongst other things, these policies require mobile digital infrastructure to be suitably located which does not harm local character and conserves the borough's historic environment. It would also be contrary to the heritage protection policies of the Framework, and it's overarching principles for development to achieve well-designed places for the long term.

Conclusion

19. For the reasons given above, and having regard to all relevant matters raised, I conclude that the appeal is dismissed

F Harrison

INSPECTOR