



## Appeal Decision

Site visit made on 7 November 2023

**by A Veevers BA(Hons) DipBCon MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5 December 2023**

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**Appeal Ref: APP/M5450/W/23/3322857**

**Little Northolt Streetworks, Northolt Road, Harrow HA2 8EJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Tom Gallivan, CK Hutchison Networks (UK) Limited against the decision of the Council of the London Borough of Harrow.
  - The application Ref P/3685/22, dated 25 October 2022, was refused by notice dated 15 December 2022.
  - The development proposed is 5G telecoms installation: H3G 20m street pole and additional equipment cabinets.
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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), 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 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 do not require regard to be had to the development plan. Therefore, I have had regard to the policies of the development plan, related guidance, and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.
4. It has been suggested that the proposed cabinets do not require prior approval. Nevertheless, they are shown on the submitted plans and included in the description of development. Therefore, I have considered them as part of the appeal scheme.

### Main Issues

5. 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 would be outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

## Reasons

### *Character and appearance*

6. The proposed development would be located on the pavement on Northholt Road, close to its junction with Corbins Lane, where there is a large flatted residential building known as Clearview Court. Two storey bay fronted residential properties lie opposite the site on the east side of Northholt Road. Adjacent to Clearview Court on the west side of Northholt Road are a cluster of commercial properties which are of predominantly two storey height and generally three storey commercial buildings are located north of the appeal site on both sides of Northholt Road. The site therefore lies in an area that is urban in appearance, with a mix of residential and commercial buildings.
7. In the vicinity of the appeal site, Northholt Road is lined on its western side by mature street trees. These help in softening the appearance of the area.
8. The proposed monopole would sit amongst other vertical structures on Northholt Road such as streetlights and traffic signs. However, the height of the proposed monopole would be significantly taller than the surrounding street furniture and the column width would be bulky in comparison.
9. The flatted development at Clearview Court would provide a backdrop to the proposal from some vantage points. Nevertheless, even though the building is a considerable height, at 20m high, the monopole would tower above the building. Due to the limited separation distance, there would be clear and unobstructed views of the proposal from balconies and windows at Clearview Court and from the much lower houses on the opposite side of Northholt Road.
10. Whilst the street trees would provide some screening to the proposal in longer views along Northholt Road, this would be significantly reduced during the winter months when the trees would not be in full leaf. In any event, the monopole would be significantly taller than these trees. In this context the height and bulk of the proposal would be discordant and conspicuous.
11. The proposed monopole would, therefore, be a highly visible, prominent and incongruous feature that would be out of proportion with the surrounding scale of the buildings and street furniture. Its harmful visual impact would be readily perceived by some residents and people passing along Northholt Road.
12. Whilst the colour of the monopole could be varied, this would not adequately mitigate the adverse visual impact arising from the design, height, and siting of the proposal.
13. Although the site is not within a conservation area or any environmental designation, the area still has qualities that are worthy of protection from unsuitable siting and appearance of the proposal. The proposed installation would appear visually intrusive in its context and would therefore fail to integrate into its surroundings.
14. The proposed equipment cabinets would result in a row of them along the footpath's edge. Given they would be seen against the backdrop of the boundary wall and vegetation fronting Clearview Court, they would not appear as incongruous features on the pavement and would not lead to undue visual clutter.

15. For the above reasons, I conclude that the proposal would result in significant harm to the character and appearance of the area. Insofar as they are relevant to siting and appearance, the proposal would conflict with Policies DM1 and DM49 of the Harrow Development Management Policies Local Plan 2013 (HDMPLP). These policies require, amongst other things, that development achieves a high standard of design and that the impact of telecommunication installations upon the character and appearance of the area is minimised. The proposal would also not be in accordance with the Framework, where it refers to achieving well-designed places and in requiring that new masts should be sympathetically designed.
16. Consequently, I must consider whether this harm is outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

#### *Alternative sites*

17. Paragraph 117 of the Framework advises that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
18. The sequential approach undertaken by the appellant identified five alternative ground-based sites. The level of information for each ground-based site discounted is extremely limited with a vague justification for discounting each site. However, from my observations on site, I would agree that these alternatives would be close to residential properties or on a restricted width of pavement.
19. The appellant's statement also refers to one option put forward during the site search process, but no other information has been provided about this site. Furthermore, I note the appellant states no mast/site sharing or existing building/structures were identified following a desktop survey of the area, yet no indication of which existing structures or rooftops in the search area were considered has been provided. As such, no detailed supporting information to fully corroborate that an exhaustive search of all possible sites was undertaken and that potential alternatives were discounted on reasonable grounds has been presented to me.
20. The Council suggest that there are buildings and masts in the area, such as Clearview Court and the Aldi supermarket building along Northolt Road that could be given consideration. Another mast sharing option has been put forward by interested parties. The appellant has not sought to rule out these suggestions for any robust reason. In addition, at my site visit I saw other clusters of commercial premises set back from Northolt Road which were in or close to the target search area that could be potentially considered as part of a sequential search.
21. As such, I am therefore unpersuaded from the available evidence that the appeal site is necessarily the least harmful in terms of its siting and appearance. Furthermore, I cannot be certain that the harm would be equivalent or worse on a site elsewhere.

22. It is noted that, as with all 5G cells, the relevant search area is very constrained and that in this case, the designated search area covers what is largely a densely populated area. Nonetheless, when noting the visual sensitivities that would apply to a monopole sited as proposed, it is reasonable to require clear and comprehensive supporting evidence.
23. Given the evidence before me, having regard to Framework paragraphs 115 and 117, I am not satisfied that there is clear or persuasive evidence that there is no likelihood of a more suitable and reasonably available alternative site within the target coverage area, or therefore that the appellant has provided the necessary evidence with regard to alternative sites to justify the proposed development.

### **Other Matters**

24. Although the Council's officer report stated that the site was not located within the RAF Northolt safeguarding zone, as a result of comments from interested parties at the application stage, the MOD were consulted by the Council. I have not been provided with a response to the consultation. However, as I am dismissing this appeal on the main issue, there is no need for me to consider this matter further.
25. I appreciate that the appellant sought pre-application advice from the Council before submitting the application, although this is disputed by the Council. Nonetheless, I have only had regard to the planning merits of the proposal that is before me.

### **Planning Balance and Conclusion**

26. As set out at paragraph 114 of the Framework, advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and, in this regard, there is a need to support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. The appellant has highlighted the economic, social, sustainability, environmental, health and educational benefits associated with the proposal and several related reports have been drawn to my attention regarding the current state of delivery of mobile connectivity.
27. Nevertheless, while acknowledging these benefits exist, they have effectively been recognised by the grant of permitted development rights in the GPDO. Hence, they do not carry additional weight when considering matters of siting and appearance as part of the prior approval process.
28. To conclude, the siting and appearance of the proposed installation would have a harmful effect on the character and appearance of the area. Moreover, it has not been demonstrated that this harm is outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.
29. For the reasons given above, the appeal should be dismissed.

*A Veevers*

INSPECTOR