



Appeal Decision

Site visit made on 14 November 2023

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 29 December 2023

Appeal Ref: APP/M5450/W/23/3322953

Albury Drive street works, Albury Drive, Harrow HA5 3RN

- 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 'Gallivan', CK Hutchison Networks (UK) Ltd against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3872/22, dated 10 November 2022, was refused by notice dated 3 January 2023.
 - 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 2015), 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. I have determined the appeal on the same basis.

Planning Policy

3. Part 16 of the GPDO establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
4. Nevertheless, Policies DM1, DM7, DM18 and DM49 of Harrow Council Development Management Policies document, 2013, and Policies HC1, G4 and D3 of the London Plan, 2021, are material considerations as they relate to issues of siting and appearance, including with regard to heritage assets, open spaces and telecommunications. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration. Whilst the new Framework, December 2023, has been published, the relevant section on Supporting High Quality Communications remains unchanged apart from the paragraph numbering which I have accordingly referred to in my decision.

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, including designated open space and, whether it would preserve or enhance the character or appearance of the Pinnerwood Park Estate Conservation 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 including Pinnerwood Park Estate Conservation Area

6. The site is on part of a small, triangular, area of land on Albury Drive. That area of land is mainly under grass but has a paved footpath, with a grass verge, which runs parallel to the road running through the estate. On the other two sides, there are pathways constructed of paving blocks. Within the verge and in the grassed area are small trees, with some younger saplings protected by tree guards. On the approach to the site from either side, the land rises slightly so that the site is located on a small crest of land. It is surrounded by housing on all sides.
7. The site is within the Pinnerwood Park Estate Conservation Area (CA). This is of architectural, historical, and social importance and consists of housing built between the wars, with a garden suburb type character. The area in the vicinity of the site has two-storey, brick built, semi-detached housing. These have tiled roofs, two-storey gable features, and windows with multiple panes. Combined with grass verges, street trees and verdant gardens to the front, often with hedges, there is a pleasant and cohesive character to the area.
8. The appeal site is on a designated open space. This provides a green, open area, that allows more expansive views of the houses around it. These open spaces are found throughout the CA, are characteristic of the estate and considered in the Conservation Area Appraisal and Management Strategy (CAAMS) to make a significant contribution to the CA.
9. The 20-metre-high street pole, equipment cabinets and paving slabs would be located on the open space and the pole would be taller than any other features around it. Whilst there are a few lamp posts located within the grass verge, these are relatively low. The only other vertical feature near the site is one telegraph pole located within the open space, and one adjoining it. Moreover, the trees are short and so would not mask the pole or cabinets. Although a 20-metre pole is the lowest mast required for an improved 5G service, and it would be of a simple design, it would stand out in this location. It would, therefore, dominate the site and tower over views of the housing surrounding the green. Furthermore, the cabinets would be highly visible in this location, as their proportions and appearance would contrast with this open, green area of land and trees. This would appear intrusive in this designated open space.
10. The appellant contends that the equipment is designed for urban locations, and it would be sited alongside a public road where poles and cabinets are often found. The proposal would, however, be within a residential estate where the

architectural character of the housing, the verdant setting and the appearance of the area has resulted in its designation as a conservation area. It would also appear imposing when looking out from those dwellings surrounding the triangular area of land concerned. Furthermore, whilst the proposal would not prevent the use of the open space by residents, it would introduce equipment on an otherwise uncluttered area.

11. The proposal would, therefore, appear dominant and incongruous, out of scale and character with the features around it. This, combined with it being sited on this raised area of land, would result in the pole appearing more prominent in the approaches to and from the site. Moreover, the CAAMS refers to this area of land as providing a broad, panoramic view. Instead, the proposal would be intrusive in the skyline and affect the openness of the view in this location.
12. Therefore, I conclude on this issue that the proposal would be visually intrusive and have an adverse effect on the character and appearance of the area. The architectural qualities of the housing and the verdant gardens that surround them contribute positively to the character and appearance of the CA. This would be harmed by the proposal which would introduce inappropriate features in this generally harmonious location. It would therefore not preserve or enhance the character or appearance of the CA. This would, in the terms of the Framework, be less than substantial harm to the CA, to which I must give great weight. The harm to the designated CA must be weighed against the public benefits of this proposal which I will discuss later in my decision.

The availability of alternatives

13. With regard to paragraph 121 of the Framework, the development should be justified including for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
14. The appellant has identified a need to provide a new 5G network coverage in the area with the proposed site providing a suitable location.
15. Whilst the appellant has stated that they were unable to identify any opportunities for sharing a mast or site, the Council has referred to two other applications for masts that have been approved in the vicinity of the site. No substantive evidence has, however, been provided by the appellant as to whether or not these masts would be suitable for sharing. The Council concurs with the views of the appellant that, as the surrounding area consists of mainly two storey buildings, there do not appear to be any suitable buildings in the area that could be used to host a mast. I have no basis to disagree.
16. Whilst the appellant carried out a desktop survey and physical search of the area, there is no substantive evidence of the methods employed and why other potential options, such as mast sharing were discounted. Although the industry site database was checked for suitable sites, the Council's own mast register was not consulted.
17. The appellant has provided a list of four discounted sites. This includes D1 and D3 which, amongst other reasons, have been discounted as they are in a residential area. Visibility issues in relation to the highway and unsuitable pavements have also been cited as reasons for discounting particular sites, as well as one site being too far away to provide the required coverage. There is,

however, no detailed evidence justifying why these locations have been discounted, and why the location of the appeal site in a residential area is acceptable, whilst two other sites in residential areas have been discounted.

Balance and Conclusion

18. The Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. In this respect the appellant has highlighted that there is a limited target area in which to provide the necessary coverage for a 5G network. They consider that the proposal would deliver modern, high-speed communications to a largely residential area where there is an increased demand as a result of working from home. The proposal has had some third-party support who have stated that an upgrade is needed as signals in the area are poor, and that health issues would not result from the development.
19. The appellant contends that the Council has not considered the significant effort that has been made in choosing the site and the design, to reach an appropriate balance between operational requirements, the benefits of 5G and the environmental considerations of the proposal. Whilst I agree that there are no suitable tall buildings that could be used, detailed evidence of alternative options has not been provided, nor is it clear that all appropriate options have been fully assessed.
20. Furthermore, I have identified that the proposal would harm the character and appearance of the area, and this would lead to less than substantial harm to the character or appearance of the CA. The Framework identifies that great weight should be given to the conservation of a designated heritage asset, irrespective of whether the level of harm, as in this case, is less than substantial.
21. Therefore, despite the economic and social benefits that would result from the advanced communications, these would not outweigh the less than substantial harm that I have identified to the designated heritage asset and to which I must give great weight.
22. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR