



Appeal Decision

Site visit made on 13 February 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2024

Appeal Ref: APP/M5450/W/23/3323062

Land at Canon's Court, High Street, Edgware, London HA8 7ST

- 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/3840/22, dated 7 November 2022, was refused by notice dated 23 December 2022.
 - The development proposed is 20m streetpole style telecommunications mast, antennas, ground based equipment cabinets and associated ancillary development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposal is a replacement mast for a roof top mast which is the subject of a Notice to Quit. Although some distance away from the existing mast, it would provide coverage for a similar area as well as increased capacity. I therefore consider the proposal to be a replacement mast, as set out at Paragraph A.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015). Therefore, it constitutes permitted development that is subject to prior approval on the basis of its siting and appearance, taking into account any representations received, as set out at Schedule 2, Part 16, Class A, Paragraph A.3(3) of the GPDO 2015.
3. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan, related guidance and the National Planning Policy Framework (Framework) only in so far 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 proposal would be located on the edge of a grassed area between High Street (A5) and an access road to the residential properties in Canons Court, in a predominantly residential area. The mast is necessary to replace one previously located on a rooftop which is no longer available for the purpose and is subject of a Notice to Quit.
6. In the vicinity of the proposal there is a lamppost and a number of trees. Whilst there is a vertical emphasis to these, they are not as high as the proposed mast which would appear excessive in scale when viewed in relation to the existing buildings and create clutter in an area where there is little street furniture. Whilst there are some tall buildings near to the site, those to the rear would be significantly lower than the mast, adding to its prominence. It would be located opposite Hillside Drive, meaning that it would also be prominent in views along this street as well as for some distance when travelling along the A5 in both directions.
7. On my visit I saw a mast further northwest along the A5. This is located to the rear of the footpath adjacent to the fence of a commercial building. In contrast, the appeal proposal would be in an open grassed area and would appear as a prominent and imposing addition to the street scape.
8. Several appeal decisions have been brought to my attention regarding the installation of masts and associated cabinets. I do not have the full details of the appeals before me. However, there appears to be material differences between those appeals and the appeal before me in terms of specific location and siting as well as the character of their surroundings. Therefore, those cases are not directly comparable to the scheme before me and in any event, I have determined the appeal on the site specific circumstances of the case.
9. I find that the siting and appearance of the proposed development would result in unacceptable harm to the character and appearance of the area. Insofar as it is a material consideration, it would conflict with Policies DM1 and DM49 of the Harrow Development Management Policies Local Plan (2013) which amongst other matters seek to ensure that the siting and design of the installation would minimise its impact upon the appearance and character of the area.

Need

10. The Framework sets out that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and in this respect, there is a need to support the expansion of electronic communications networks, including next generation mobile technology. The proposed mast would provide 5G coverage and a number of potential benefits have been set out by the appellant. Reference has also been made to a number of Government documents that set out the importance of high speed digital communications infrastructure.
11. An exercise to assess alternative sites has been undertaken by the appellant, with additional sites assessed as part of the appeal process. The appellant identified that during this process, no mast sharing or existing building structures were suitable and therefore, a new ground-based mast is required. The options presented by the appellant were discounted for various reasons

including the proximity of residential development, too far from the existing site, the width of the pavement, on a subservient street and impact on amenity. However, I do not consider that sufficient evidence has been given to demonstrate that the alternative sites are unsuitable as there is little detail of the greater impacts referenced in sites J, K and M as the proposed mast would also be prominent in views from a subservient street, Hillside Drive.

12. For the reasons given, I cannot be certain that other suitable alternative sites have been fully and robustly considered. Accordingly, on the information before me, the need for the installation to be sited as proposed, taking into account any suitable alternatives, does not outweigh the identified harm that would occur to the character and appearance of the area due to the siting and appearance of the proposal.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed.

H Senior

INSPECTOR