



Appeal Decision

Site visit made on 22 February 2024

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 15 April 2024

Appeal Ref: APP/N5090/W/23/3325080

Royal Mail Grass Verge, Royal Mail Barnet Delivery Office, 55 Longmore Avenue, Barnet EN5 1AA

- 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 Mobile Broadband Network Limited (EE Ltd and H3G UK Ltd) against the decision of the Council of the London Borough of Barnet.
 - The application reference is 23/0155/PNT.
 - The development is the installation of a new 18m-high slimline telecommunications monopole (with wraparound cabinet) supporting 12no. 'stacked' antenna apertures and 2no. transmission dishes; plus 6no. ground-based equipment cabinets; and ancillary development thereto.
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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 Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. Whilst I have had regard to the revised Framework, the issues most relevant to this appeal remain unaffected by the revisions. I am therefore satisfied that there is no requirement to seek further submissions on this matter, and that this would disadvantage no party. For correctness, I have used the 2023 Framework paragraph references.
4. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have had regard to the policies of the development plan and the Framework only in so far as they are a material consideration relevant to matters of siting and appearance.
5. It has been suggested that the proposed cabinets do not require prior approval. Nevertheless, as acknowledged by the appellant, they are shown on the submitted plans and included in the description of development. Therefore, they require consideration as part of the appeal scheme.

6. The appellant provided a Photomontage Report to show a number of viewpoints of the proposal. The information does not change the proposal's design and the Council has had the opportunity to comment on the information. Having regard to the Wheatcroft and Holborn principles, I am satisfied that there would be no risk of prejudice if I take this information into account.

Main Issue

7. 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 or risk 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

8. The appeal site is located on part of a grass verge next to the footpath that runs adjacent to the Barnet Mail Delivery Office, between Longmore Avenue and The Hook. The verge is largely grassed with some low-level landscaping. To the opposite side of the footpath, there is a high fence and then a large embankment which rises to railway lines. While the embankment had been extensively covered by a mix of mature trees and low-lying vegetation, at the time of my visit a significant number of the trees had been removed.
9. The proposal would consist of an 18m-high slimline telecommunications monopole with 'stacked' antennas and associated ground-based equipment cabinets.
10. Removal of the trees across the embankment has resulted in a significant loss of the natural green screening and tree backdrop to the east. While some mature trees along Longmore Avenue still exist, these are distant and would not provide an effective screening or tree backdrop to the proposal. As such, the proposed monopole would be in a much more open location than identified by the appellant and as shown on some of the photomontage viewpoints. It would not integrate well into the area of open grass and the landscape to the east. Even with its innovative and slimmest solution design, it would be highly prominent and would, with its height and position, be a discordant feature, out of context with the landscape setting within which it would be viewed. It would visually harm the short and more distant views along the footpath and through the gaps in the built form that exists on The Hook and Longmore Avenue.
11. It would also be highly visible from the rear of some of the houses and gardens on The Hook. Even though these houses do have outlooks to the front which would not be affected by the proposal, and the rear outlooks are partly onto the delivery office, the proposal's jarring and visually harmful effect on the landscape would be highly evident from the rear areas.
12. The appeal site is in a built-up and urbanised area where vertical street furniture/features do exist. However, in the vicinity of the appeal site, these features are limited with only such things as some light columns, a litter bin, some low-level directional signage, fencing and the more distant railway overhead lines being evident. With its taller, bulkier and more prominent position, the proposal would be much more visually intrusive and unacceptably distracting in the landscape to the east compared to the existing vertical features.

13. There is little doubt that the nearby delivery office is a sizeable and imposing development in the identified views. However, this development is confined to the western side of the footpath, and there is a clear separation from the more naturalised landscape to the east. Due to this separation, and the proposed monopole's positioning to the east of the footpath, views of it would be predominantly experienced with the soft landscaped backdrop. As such, the presence of the delivery office would not acceptably reduce its visual harm.
14. From the surrounding roads such as Netherlands Road, Dalmeny Road and Shurland Avenue, the existing housing, boundary trees and the embankment would appreciably screen most of the proposal, with typically only the top section of the monopole being visible. When taken in the context of the wide and largely open skyline that exists, and the smaller top section of the proposal being visible from here, it would not have an unacceptable harmful visual effect. Similarly, while the proposal may be visible from some of the flats at Melville House, due to screening from buildings and trees along Longmore Avenue and the flats' position on the opposite side of the road, views would be limited. When considered in conjunction with the road separation and its distance from the flats, the proposal would not be highly intrusive and would not have an unacceptable harmful effect on the flats' views. Furthermore, due to the reasonably oblique line of sight of the proposal from the side windows of the delivery office, there would not be an unacceptable harmful effect on these views. However, the lack of harm is a neutral effect which does not attract weight in my determination.
15. I note that changing the colour of the proposal was offered to make it more acceptable. However, due to its open position, height and form, this would not successfully mitigate the impact of its siting and appearance.
16. Concerning the proposal's six ground based cabinets, while neatly and safely located, they would create a long linear feature in an otherwise reasonably open area. As there is limited street furniture near the appeal site, they would appear as an incongruous row which would significantly increase visual clutter and add to the visual harm the proposed monopole would cause.
17. Consequently, the siting and appearance of the proposal would unacceptably harm the character and appearance of the area. Insofar as it is a material consideration, this would be contrary to Policies DM01 and DM18 of Barnet's Local Plan (Development Management Policies) Development Plan Document (DMP) 2012 and Paragraph 119 of the Framework. These seek, amongst other matters, to ensure that developments preserve or enhance local character, do not significantly adversely affect the external appearance of the space in which they are located and seek new equipment to be sympathetically designed and camouflaged.

Suitable Alternatives

18. As the proposal's siting and appearance would cause harm to the character and appearance of the area it is important to consider if there are any less harmful alternative sites available.
19. The appellant contends that the proposal would offer the optimum town planning and operational solution for meeting the network coverage needs and could facilitate future mast sharing. However, notwithstanding that twelve alternative sites were discounted, and reference was made to accompanying

operator coverage plots, the search area used in selecting the appeal site has not been provided. As such, it is not possible to confirm that all suitable alternative sites within the locality have been adequately considered.

20. Furthermore, the reasons for not choosing some of the alternative sites are lacking in detail and unsupported by further evidence to clearly substantiate why they are inappropriate and not viable. For example, in the case of Site Option 1, the reason why the property's re-development prevents it from being considered was not clearly explained. In Site Options 2 and 3, while it was noted that these sites would have a reduced operational efficiency to the appeal site, it was not clearly detailed that this reduction means that the network coverage would not be adequate. In the case of Site Options 5, 6, 8 and 10, while these were discounted due to insufficient space for equipment or apparatus and in some cases lack of height, little substantiation to support this was provided. Also, while Site Option 4 did consider the re-use of an existing telecom site, this was the only one listed with little explanation as to why no others were considered.
21. Overall, while I appreciate the restricted nature of the area and strategic positioning of network cells required, due to the above ambiguities and omissions in the assessment of the alternative sites, clear and persuasive evidence has not been provided for the selection of the appeal site. It has not been sufficiently demonstrated that alternative sites are unsuitable and that a less harmful site than the appeal site would not exist.
22. The appellant refers to ten allowed telecommunication appeals¹ in support of the proposal. However, they are not directly comparable due to a variety of differences in their design (such as different monopole heights, antenna configurations and number of cabinets) and setting (such as being in a mix of more urban and road localities, having different levels of street furniture, tree backdrops and vertical structures nearby and some being near to designated heritage sites). While harm to character and appearance was not found in four of these appeals, it was found in varying degrees in the remaining ones. While the appeals that were found to have a degree of harm were subsequently allowed, a primary reason for this was that, unlike the proposal, sufficient evidence had been presented to show that no alternative suitable sites were available. Overall, the appeals demonstrate the need for each proposal to be assessed on its own merits and do not set any specific precedent. As such, the examples do not change my view on the harm the proposal would cause.
23. In conclusion, 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.

Other Matters

24. The proposal would fill the loss of the historical network service which was provided by the now removed Checknet House base station, provide a faster and more reliable service and improve the area's 5G network coverage. It would provide public benefits such as economic growth and social well-being

¹APP/R5510/W/16/3143922, APP/Q3305/W/18/3206555, APP/K3605/W/19/3243927, APP/L1765/W/18/3197522, APP/K2610/W/21/3280694, APP/R5510/W/21/3269903, APP/E2205/W/20/3261389, APP/J4423/W/21/3268791, APP/J1915/W/22/3298342, and APP/P4225/W/22/3310956.

through supporting, amongst other things, hybrid working patterns, demands on communication data and future provision of the emergency services network. However, in all probability, these network coverage and public benefits would also apply to any site which was found to be suitable. As it has not been sufficiently demonstrated that alternative sites are unsuitable, I do not find these benefits justify the proposal's harm to the character and appearance of the area.

25. Despite recent changes to the provisions of Schedule 2, Part 16, Class A of the GPDO, it is still a requirement that proposals' effects on siting and appearance are assessed. The proposal has been considered in this regard and has been found unacceptable.
26. The appellant refers to Paragraphs 7, 8, 10 and 11 of the Framework related to achieving sustainable development and Paragraphs 118 to 122 which support high quality communications. However, as detailed above I have only considered the Framework in so far as it is a material consideration relevant to matters of siting and appearance. Similarly, while the appellant questions the legitimacy and accuracy of applying all the various parts of Policies DM01 and DM18 of the DMP to the development of telecommunications networks, I have only considered those relevant to siting and appearance in my determination. In both cases, I have found the proposal conflicts with the development plan and Framework when read in this context.
27. While no objections have been raised by the Local Authority's Highways Team or the Local Authority's Environmental Health Team this does not render the scheme acceptable. Although some representations supported the proposal due to it being vitally needed for network coverage, as detailed in my reasoning above this does not outweigh the proposal's harm to the character and appearance of the area.
28. Due to the appropriate fee not being paid, the Council did not provide a pre-application enquiry response. While this may have been beneficial in discussing the proposal at the application stage, this is a procedural matter between the parties and has little bearing on the merits of the appeal before me.

Conclusion

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

J Symmons

INSPECTOR