



Appeal Decision

Site visit made on 5 June 2024

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th July 2024

Appeal Ref: APP/Q5300/W/23/3331927

Grass verge adjacent to Houndsden Road, Winchmore Hill, London N21 1LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Telecommunications Infrastructure Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 23/00673/PAT.
 - The development proposed is the installation of a 20m grey steel mast complete with 6 antennas, 2No. 300mm Dish antennas, 1No. GPS Module, two associated radio equipment cabinets, a meter cabinet (all Dark Green Steel) and enabling operational development works 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 (GDPO), 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. 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 only in so far as they are a material consideration relevant to matters of siting and appearance. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration, and this includes a section on supporting high quality communications.

Main Issues

4. The main issues are:
 - The effect of siting and appearance of the proposed installation on pedestrian or highway safety and the character and appearance of the area, including the contribution made by the amenity value of trees.

- If any harm were to occur to pedestrian or highway safety, or to the character and appearance of the area, whether it would be outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Siting and appearance

5. Houndsden Road is residential in character, with two-storey detached and semi-detached dwellings set in plots with front and rear gardens. The area has undulating topography, with Houndsden Road running downhill from the west and levelling out towards the junction with Stone Hall Road. The appeal site comprises part of a grass verge running to the north side of Houndsden Road. The verge separates the road from a footpath, beyond which is Houndsden Spinney, a small, densely wooded area containing a watercourse known as Houndsden Gutter. The woodland and other mature trees along the substantial grass verges give the area a verdant character.
6. The proposed installation comprises a monopole which would rise 20m above ground level. Attached to it would be six antennas, two 0.3m diameter dish antenna and a GPS module. Adjacent to the monopole at ground level would be two radio equipment cabinets and a meter cabinet. The drawings show the installation would be set in close proximity to a tall mature Oak and smaller Sorbus tree to the west. The installation would be broadly in line with an existing lamp post column.
7. In long views, the mast would be set against the very tall trees contained in the spinney and the Oak on the grass verge. The drawings indicate the height of the Oak is 25m. Several trees in the spinney are of a similar height. Taken together, when in leaf these trees would provide a degree of screening, particularly in longer views of the site from the east and west. Notwithstanding this, the height and bulk of the monopole would make it a dominant feature particularly when viewed from within the street and the houses opposite. The functional appearance and grey finish would contrast with the verdant qualities of the area and, in the winter months, the screening effect of the trees would be diminished.
8. There is another telecommunications mast located in the grass verge approximately 100m to the west of the appeal site, close to the junction with Stone Hall Road. This mast is lower than the appeal proposal, well screened by trees and more commensurate in height with other street furniture. With the appeal scheme in place, both installations would be visible in some limited views from the west of the junction with Stone Hall Road. However, the proposal would be well screened by the Oak and the other trees within the spinney. The limited view of the two installations together would not be any more harmful than views of the appeal proposal on its own.
9. Set within the grass verge, the cabinets, even with their doors open, would not encroach onto the paved footpath. The planted, uneven nature of the verge does not appear as if it is part of the footpath, and any disruption to pedestrians or other users of the footway would be minimal during periods of maintenance. I do not therefore find that the siting of the proposed equipment cabinets would compromise pedestrian or highway safety.

10. The appellants have provided an arboricultural report in support of the appeal. The monopole would be located outside any root protection area for the Oak, Sorbus, or trees within Houndsden Spinney. The siting of the proposed installation is therefore acceptable in terms of its relationship to the nearby trees on the verge and within the spinney. Hence, the proposal would not affect the amenity value of these trees and the contribution they make to the character and appearance of the area.
11. Despite my findings in relation to the siting of the proposed installation regarding pedestrian or highway safety, and to trees, the siting and appearance of the proposal would be harmful to the character and appearance of the area. Insofar as it is a material consideration, the proposal would conflict with Policy D3 of the London Plan 2021, Policy CP30 of the Enfield Core Strategy 2010 and Policy DMD37 of the Enfield Development Management Document 2014. Amongst other things, these policies require new development to achieve a high standard of design which would not adversely affect the character and appearance of the area.

Need and availability of alternative locations

12. Paragraph 121 of the Framework requires that applications for telecommunications development, including prior approval, should be supported by necessary evidence to justify the proposal. This should include evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
13. The appellant currently shares apparatus for 3G and 4G network services from a rooftop site at the Winchmore Pub, located at the junction to the west end of Houndsden Road. The apparatus is owned by another operator with the appellant as the sharing operator; it cannot be upgraded to provide a 5G solution for 2 operators due to space and structural limitations. The appellant states they require a new base station to allow them to provide continued 4G coverage whilst finding a 5G solution. Due to the topographical undulation and demands placed on the network, the appellant has split what was previously a single cell area into two cells, for which the appeal site would form one base station.
14. The coverage plots supplied show the split cell approach proposed would improve the network coverage in the Houndsden Road area. I have no reason to doubt that the height of the proposed pole is the lowest that would work effectively for the operator in this location, and that the cell search area is extremely contained. On the basis of the evidence before me, I am satisfied that the appellant has demonstrated that there is an identified need for the proposal to be located somewhere in the search area.
15. The appellant has provided details of the alternative sites considered and subsequently discounted. Several sites were discounted due to the need to be located away from existing installations to avoid likely interference. Local topography was also a significant factor in discounting sites. Several rooftop sites on 3 and 4 storey buildings were considered, but discounted due to the need for additional supporting structures which would have significantly impacted the appearance of the building. Other locations for street furniture style installations have been discounted largely due to inadequate grass verge or pavement widths, proximity to dwellings on both sides of the road and topographical reasons. Other sites were discounted due to their location in or

adjacent to the Winchmore Hill Green Conservation Area. From the evidence before me, the appellant has satisfactorily demonstrated that the proposed development is needed at this location to deliver the required network coverage improvements in the area.

16. The Council has not suggested any alternative sites and there is no substantive evidence that challenges the rationale for discounting the alternatives that have been considered. I have no robust evidence before me to suggest that there would be other more suitable sites.
17. I have already identified, however, that the proposal would cause harm to the character and appearance of the area, which would be exacerbated by the proposed grey finish of the monopole against the verdant backdrop of the spinney. Whilst the appellant has offered to finish the installation in green, that is not the scheme before me. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it.
18. Whilst it has been demonstrated that there is an identified need for the proposed equipment within this area and that there are not more suitable alternatives available, the harm caused by the proposal before me is not outweighed by the identified need.

Other Matters

19. My attention has been drawn to two dismissed appeals relating to a 16m and a 20m monopole and associated works at the junction of Houndsden Road and Stone Hall Road¹. Beyond the decision letters for the previous appeals, I have nothing before me about the precise factors that influenced these decisions. I note that there were different circumstances in that the operator considered it an upgrade to an existing installation and in both appeals the Inspectors concluded there was limited evidence of any alternative sites being considered. In any event, I am required to consider this proposal on its own merits in light of the evidence submitted and individual circumstances of the appeal.
20. I have also been referred to 13 appeal decisions where Inspectors have allowed telecommunications masts². Of those decisions, two relate to 17.5m masts, another is a 25m lattice mast and another focuses on a dispute regarding the mast's effect on outlook and light. As such these are not directly comparable. Of the remaining 9 decisions, none are in any proximity to the appeal site. Given the sensitivity of individual locations to numerous local factors influencing the acceptability of the siting and appearance of masts, it would be difficult to draw direct comparisons to the circumstances of this appeal. I note, however, that a number of the appeals relate to masts in close proximity to trees which were said to provide some screening. I acknowledge that this is also the case here, but as discussed in my reasoning, the mitigation from the trees is outweighed by other factors.

¹ Appeal references APP/Q5300/W/20/3261242 and APP/Q5300/W/22/3290597

² APP/B5480/W/20/3251086, APP/D4635/W/20/3263239, APP/P4605/W/21/3270873, APP/G4620/W/21/3271293, APP/P4605/W/21/3271311, APP/P4605/W/21/3271840, APP/Z5060/W/21/3279350, APP/P4605/W/21/3283270, APP/B5480/W/21/3285473, APP/M5450/W/21/3287882, APP/P4605/W/22/3294052, APP/J4423/W/22/3300959 and APP/P4605/W/22/3303938.

21. Reference has been made to various social and economic benefits but these have not been taken into account in considering the matters of siting and appearance.

Conclusion

22. For the reasons given above, the appeal should be dismissed.

L Francis

INSPECTOR