



Appeal Decision

Site visit made on 9 July 2024

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 4th September 2024

Appeal Ref: APP/N5090/W/23/3331099

184 East Barnet Road, Barnet EN4 8RD

- 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 Freshwave Facilities Limited against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/1857/PNT.
 - The development proposed is erection of an 18m telecommunications pole, 3 no. antenna apertures, 2 no. dishes and 4 no. equipment cabinets along with ancillary development thereto.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Freshwave Facilities Limited against the Council of the London Borough of Barnet. This application is the subject of a separate decision.

Preliminary Matters

3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the 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. I have determined the appeal on the same basis.
4. The address on the application form refers to Station Road to Brookhill Road. As the proposal is not located on these roads, I have not included them in the banner heading above.

Planning Policy

5. 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 as there would be for any development requiring planning permission.
6. Nevertheless, Policies DM01 and DM18 of the Barnet Local Plan Development Management Policies, 2012, (DMP), are material considerations as they relate to issues of siting and appearance, including with regards to the built

environment and telecommunications. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration, and this includes sections on supporting high quality communications.

Main Issue

7. 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

8. The appeal site is a rectilinear area of landscaped ground between a modern building containing two retail units, and the pavement adjacent to East Barnet Road, the A110. The retail units are next to a large petrol station and forecourt with a small supermarket to the rear. The area has a mix of uses, with a health centre opposite the site and some smaller retail premises nearby. There are large numbers of residential properties in surrounding streets, and housing to the rear of the retail units.
9. The landscaped area consists of a strip of mature bushes and hedging. This extends beyond the retail units to provide screening for the car park. Along the pavement are some concrete bollards and semi-mature trees growing in tree guards.
10. The 18-metre pole and equipment cabinets would be in front of the side elevation of the brick-built retail units. This is a relatively squat building with a grey coloured, hipped roof form, which results in the roofscape being relatively unobtrusive. As this building has a ridge height of 9 metres, the monopole would be twice its height. Whilst there are some taller buildings in the vicinity, including Charlotte House, a block of flats opposite the petrol station, most buildings nearby are two storeys in height.
11. The only vertical elements nearby are lamp posts along the road, which the proposed plans show as being 10 metres in height. These are slender. Whilst the monopole would be elongated and Fir Green in colour¹ which would match the colour of the lamp posts, the pole would be the highest structure around.
12. The cabinets which would be the same colour as the pole, and located either side of it, would cover a sizeable area of the central area of the landscaped verge. This would not affect the use of the adjoining pavement and would avoid underground services and interference from trees. However, this stretch of road is very urbanised in appearance. Therefore, this existing dense area of greenery, which is highly visible along the road, breaks up the otherwise urban characteristics of paving and tarmac.
13. Although there is some street clutter in this area, it is relatively unobtrusive and functional in nature. The site is adjacent to a straight and busy A-road. The presence of street trees and relatively wide pavements, as well as extensive residential properties in the immediate area, provides an open vista when approaching the site from the north. The introduction of a high monopole

¹ RAL 6009

would, therefore, result in it appearing conspicuous in this location. Whilst telecommunications equipment is often seen throughout urban areas, and visibility does not necessarily result in harm, in this case, the mast, combined with several cabinets prominently located alongside the A-road, would be harmful.

14. In addition, it would result in the loss of a significant part of the landscaping of this area. This currently softens the utilitarian building behind it and the approach from the south towards the petrol station, as well as providing a welcome green strip along the roadside.
15. Therefore, even though the site is not in a conservation area or subject to any other constraints, I conclude on this main issue that the proposal would be visually intrusive and have an adverse effect on the character and appearance of the area.

The availability of alternatives

16. I accept that a mast is needed in the local area to allow for 5G coverage, with the proposal being the lowest height to be operationally effective. The appellants have set out that this is in part to provide coverage following a mast on Lancaster Road² being affected by the construction of a mixed-use building³. However, this mast was lower in height and not as visible, as well as not having any antenna apertures or dishes, and only having two cabinets, unlike the appeal site.
17. There has also been the loss of 2G, 3G and 4G services which had previously been located on the roof of Charlotte Court, close to the site. The appellant found few tall buildings surrounding Charlotte Court, with Desmond House identified, although this only met the required coverage in the southern part of the cell. Whilst several streets in the northern part were identified and the appellant has provided details of its sequential approach to site location, including a site share option and the use of existing buildings and structure, none were high enough.
18. Therefore, a list of nine discounted sites has been provided. However, four of these are outside the search area, two of the buildings are only two-storey in height and would not support the size of pole required, and one is a building that is being redeveloped. Moreover, Desmond House would not provide overall coverage, and Clarence Court has pitched roofs not suited to rooftop telecommunications.
19. Whilst Charlotte Court is higher than the proposed monopole, it is not a separate construction but an existing building which is part of the built form along the road. This contrasts with the proposed monopole which would be a tall slim structure, and although it would not cause noise or disturbance in this location, it would be unlike other features around it.
20. However, whilst alternative sites have been considered and discounted as part of the appellant's site selection process, 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 is not before me.

² Ref 21/6732/PNT

³ Ref 19/4282/FUL

21. Thus, on the basis of the evidence before me, the need for the installation to be sited as proposed does not outweigh the significant harm I have identified that would be caused to the character and appearance of the area by virtue of its siting and appearance.

Other Matters

22. The appellant refers to a previous application⁴ on this site for a 20-metre pole and cabinets which was refused. Whilst the proposed development is two metres lower in height, I have determined the appeal based on the evidence before me. Although there have been a number of objections against the proposed development, it has also received third party support. These highlight the poor signal in the area and that poor communications are damaging to local businesses and residents living in the area.
23. The Framework provides support for advanced, high quality and reliable communications infrastructure being essential for economic growth and social well-being. However, despite the benefits that would result from advanced communications, my considerations have necessarily focussed upon matters of siting and appearance.

Conclusion

24. For the reasons given above, the appeal is therefore dismissed.

M J Francis

INSPECTOR

⁴ Ref 22/3728/PNT