



Appeal Decision

Site visit made on 12 November 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2024

Appeal Ref: APP/N5090/W/24/3349559

Land at the junction of Dollis Road and Thornfield Avenue, London NW7 1LS

- 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 against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 23/5353/PNT was refused by notice dated 7 February 2024.
 - The development proposed is the installation of a 20 metre high monopole supporting 6 no. antennas and 2 no. 300mm transmission dishes, the installation of 3 no. equipment cabinets and ancillary development thereto.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of a 20 metre high monopole supporting 6 no. antennas and 2 no. 300mm transmission dishes, the installation of 3 no. equipment cabinets and ancillary development thereto at Land at the junction of Dollis Road and Thornfield Avenue, London NW7 1LS in accordance with the application 23/5353/PNT and the details submitted with it including plan nos 100B site location maps, 200B existing site plan, 201B proposed site plan, 300A existing site elevation and 301A proposed site elevation.

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 representation received. My determination of this appeal has been made on the same basis.
3. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard to be had to the development plan. I have therefore had regard to the policies of the development plan and the National Planning Policy Framework (2024) (the Framework) only insofar as they are a material consideration relevant to matters of siting and appearance.
4. In support of the appeal, further alternative sites were assessed by the appellants (Nos D9 to D13) and reasons why they were discounted included

with the Appeal Statement. As this information was available to third parties and they have had the opportunity to comment on the additional sites I do not consider that any parties would be prejudiced by my taking it into account and therefore have considered the proposal on this basis.

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 surrounding area and the woodland abutting the Dollis Brook and Dollis Valley Greenwalk; 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

6. The appeal site is a grass verge located at the end of Thornfield Avenue where it meets Dollis Road. It is adjacent to a palisade fence the other side of which runs Dollis Brook. The Dollis Valley Greenwalk public right of way (PROW) runs along the opposite side of the brook. Along both sides of Dollis Brook are a number of tall, mature trees, which give the area a verdant appearance. It is within the Lower Dollis Brook Site of Importance for Nature Conservation. There is an existing cabinet and pole behind the palisade fencing which is associated with the Thames Water compound.
7. Beyond the PROW there are playing fields associated with a nearby primary school. Thornfield Avenue comprises semi-detached properties with some trees. Along the road there are also a number of light green painted lamp posts and wooden telegraph poles. Near to the appeal site, Dollis Road is also characterised by semi-detached dwellings. There is an existing telecommunications installation near the roundabout at the top of Dollis Road, which provides coverage for EE and '3' networks. Prior approval has recently been refused and an appeal dismissed¹ to upgrade this development.
8. The proposed monopole would comprise 6 antennas in a stacked formation with two transmission dishes below and would be a dark green colour. The monopole and associated cabinets would be located adjacent to the existing palisade fencing on a narrow grass verge. Because the existing trees are approximately 15m in height, the monopole would extend approximately 5m beyond the tree canopy and therefore the antennas would be seen against the backdrop of the sky.
9. The monopole would be visibly prominent when viewed along Thornfield Avenue. Although there are bends in Dollis Road it would also be prominent when approaching the site. While there are some lampposts and other vertical structures in the local area, these have slim profiles and are simple in design. In contrast the proposal would be much taller, thicker in profile and have a more cluttered appearance due to the components which would be

¹ APP/N5090/W/20/3258881

accommodated. When viewed along the PROW the structure would be less prominent as it would be glimpsed between the existing trees and vegetation.

10. The appellant puts forward that the design utilises the smallest practical components to ensure that the visual impact is kept to the absolute minimum. A lower structure has been considered, however, this would have required trimming of adjacent trees. To an extent the proposed monopole would be framed by the existing trees and street furniture. However, it would extend beyond their height. From public views it would appear as an urban structure against the natural backdrop of trees. Although there would be some limited mitigation during the summer months from some perspectives, it would become significantly more visible during the winter months when trees are not in leaf. The prominence of the mast would not be overcome by its green colour as it would primarily be seen against the sky.
11. Although there is an existing cabinet near the appeal site, the proposal for three further cabinets, with a utilitarian appearance, would result in a concentration of structures that would add to the visual clutter of this area. Although the cabinets would sometimes be screened by parked cars, this would not always be the case.
12. The Arboricultural Report (2024)² provides a detailed survey to assess the impact of the proposed development on the existing tree population within the appeal site and its immediate vicinity. The survey concluded that the trees in the area are of poor quality with a limited life expectancy due to Ash dieback disease and Dutch elm disease. The report concludes that the trees are not considered to be key constraints to development due to their condition and limited remaining life expectancy.
13. However, I note that the Council's tree officer has raised concerns about the continued maintenance which would be required to nearby trees as details were not discussed in the Arboricultural Report. The wider group of trees along Dollis Valley Greenwalk provide a positive contribution to the character and appearance of the local area. Much of the value of these trees is derived from their collective value in terms of screening and biodiversity. Therefore, any significant loss would erode the verdant character of the area. It has not been demonstrated that there would not be such significant loss for the purpose of maintenance.
14. The proposed mast and associated cabinets would appear as intrusive features and any significant loss of trees for the purpose of maintenance would harm the character and appearance of the surrounding area and the woodland abutting the Dollis Brook and Dollis Valley Greenwalk. Insofar as it is a material planning consideration the proposal would be contrary to policies DM01 and DM18 of the London Borough of Barnet Development Management Policies Development Plan Document (2012). These policies seek amongst other things to ensure proposals preserve or enhance local character and that there is no significant adverse impact on the visual amenities of neighbouring occupiers.

² Prepared by Landvision Landscape Architects

Alternative sites

15. The Framework places importance on decisions that support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.
16. The proposal is required to provide 3G, 4G and 5G coverage for the Vodafone network. It has been demonstrated that the site is within an area with demonstrable need for an additional installation in the vicinity to achieve a full and appropriate level of coverage. The coverage map has informed the appellant's search area for the new equipment and a sequential approach has been taken. In support of the application and now appeal, the appellant has considered 13 alternative sites numbered D1 to D13. Reasons are given as part of the application as to why each site was discounted.
17. The appellants have considered the potential for a site share as there is an existing monopole at Holder Hill Circus (site D1), however a planning appeal for a 20m pole has recently been dismissed in this location and therefore it was considered that an even more substantial structure would not be appropriate. A further option, in proximity to this site is D2, which has been discounted for similar reasons. There are no further telecommunications installations within the search area which provide the opportunity for site sharing.
18. Other alternative sites have been discounted for technical reasons such as the height of buildings or interference with signals. Sites have also been discounted due to impact on residential outlook. The site of the Thames Water Compound, near the appeal site was investigated at the request of a local resident. However, this site was discounted due to insufficient space and the presence of overhead cables. The option of moving the monopole away from the residential properties on Thornfield Avenue was also investigated, but there is insufficient space due to the separation distance required from the Thames Water pipes. The justification for rejecting these alternative sites is reasonable and logical.
19. Therefore, I am satisfied that there are no other mast site sharing opportunities, suitable buildings or other structures within the required search area that would be capable of accommodating the proposed installation. Although the proposal would be visibly prominent, there would be some limited mitigation offered by having a backdrop against the trees, which is not the case for the discounted alternative sites. Furthermore, it would have less harm to residential outlook than some of the alternative sites, which are closer to dwellings. Third parties have not put forward any further alternative sites which have not been considered by the appellant.
20. I conclude that the siting and appearance of the proposed installation would cause harm to the character and appearance of the surrounding area and the woodland abutting the Dollis Brook and Dollis Valley Greenwalk. Whilst alternative sites may exist, the appeal proposal is preferable for the reasons outlined above. Therefore, any identified harm is outweighed by the need for the installation to be sited as proposed, taking into account the suitable alternatives.

Other Matters

21. Concerns have been raised about potential effects on health, particularly the proposed monopole's proximity to residential properties and school. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
22. The Council has referred me to an appeal case at Southover, Woodside Park³. In this case the Inspector concluded that the reasons for discounting alternative sites was not clear. By contrast I am satisfied with the conclusions reached on the alternative sites for my appeal.

Conditions

23. The Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place. In light of the above, the additional conditions suggested by the Council are unnecessary.

Conclusion

24. For the reasons given above, I conclude that the appeal should be allowed and prior approval be granted.

C Skelly

INSPECTOR

³ APP/N5090/W/21/3273436