



Appeal Decision

Site visit made on 31 March 2025

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 16th May 2025

Appeal Ref: APP/N5090/W/24/3354521

Pavement adjacent to Deans Lane, Burnt Oak, Edgware, London HA8 9HP

- 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 Limited against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/1251/PNT.
 - The development proposed is the installation of a 17.5m tower to host 6no. antennas, 2no. transmission dishes alongside ancillary works to the base and tower.
-

Decision

1. The appeal is allowed and 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 siting and appearance of the installation of a 17.5m tower to host 6no. antennas, 2no. transmission dishes alongside ancillary works to the base and tower at pavement adjacent to Deans Lane, Burnt Oak, Edgware, London HA8 9HP, in accordance with the terms of the application Ref 24/1251/PNT, dated 27 March 2024, and drawing Nos. 100 Rev. A; 201 Rev. B; and 301 Rev. A.

Preliminary Matters

2. 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) requires 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 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 contained within the Barnet Local Plan 2021-2036 (Local Plan), The London Plan, and the National Planning Policy Framework (the Framework) only in so far as they are material considerations relevant to matters of siting and appearance. The Local Plan was adopted following the deadline for final comments. As such, the parties were given an opportunity to comment on its adoption and how it may affect the proposal.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposed installation on (i) the character and appearance of the area, including the setting of

the Watling Estate Conservation Area (WECA), and (ii) pedestrian safety. Also, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed considering any suitable alternatives.

Reasons

Character and appearance

5. The appeal site is located on the roadside within a residential area. Development in this area is dense and largely comprises of semi-detached and terraced housing. The appeal site is in proximity to Mill Hill Old Railway Nature Reserve, which accommodates tall, mature vegetation that provides a verdant backdrop. The prevalence of residential development and the presence of verdant areas contributes to the area's suburban character.
6. The topography of the surrounding area undulates, and the appeal site is close to the crest of a hill. Deans Lane (A5109) is wider than most nearby roads and includes wide footpaths and grass verges along some sections. As such, it has the appearance of a main road through a suburban area. Consequently, the proposed installation would be sited in a prominent location.
7. The height of the proposed streetpole would be required to avoid clutter and is the minimum height necessary to improve coverage. However, it would be almost twice the height of nearby lamp posts and would be much taller than nearby trees. Moreover, given its height and siting uphill from residential properties, it would be significantly taller than the nearest dwellings and would dominate the street scene. Due to its simplistic, utilitarian appearance, the proposed streetpole would appear incongruous to the existing street furniture, which is modest in scale, and the suburban character of the area.
8. The surrounding trees and buildings would screen lower sections of the streetpole, but due to its height, siting, and incongruous appearance it would be prominent in mid to long distance views. In addition, the colour of the proposed streetpole and cabinets would help them assimilate with the surrounding area, but this would not overcome the identified harm.
9. Currently, there is a moderate amount of street furniture in the area, including lamp posts, railings, a bus shelter, and traffic lights. The proposed streetpole and cabinets would add to this. Nonetheless, there would still be moderate separation between the proposed installation and existing street furniture. Therefore, the street scene would not appear cluttered with street furniture.
10. Any significant works to or felling of the trees in this area would be harmful to the verdant character of the Nature Reserve. Therefore, the siting of the proposed installation away from trees would be a positive aspect of the design.
11. The appellant has highlighted two similar installations which were allowed at appeal¹ and the Inspector concluded that there was no harm to the character and appearance of the area. Those areas are materially different to the appeal site for several reasons including the presence of nearby commercial development and a lack of nearby residential development, amongst other reasons. As such, they do not set a precedent for the siting and appearance of the proposed installation.

¹ Appeal Refs. APP/P4605/W/21/3271840 and APP/D4635/W/20/3263239

12. The appeal site is in proximity to WECA. Its historic significance is linked to its post First World War development, which was strongly influenced by the Garden City movement. The estate's historic layout, form, scale, and building designs have largely been retained; this contributes to its historic significance. The proposal would not alter these aspects, nor would it alter the enjoyment of them from outside the Conservation Area. Consequently, the siting and appearance of the proposed installation would not have a harmful effect on the setting of WECA. However, it would have a harmful effect on the character and appearance of the area, for the reasons given above.

Pedestrian safety

13. The proposed installation would be sited to the rear of the footpath, there would be a 2.2m clearance past the proposed mast and a 2.5m clearance past the cabinets, when the doors are shut. This is in accordance with the Department for Transport's Inclusive Mobility² guidance, which indicates that footpaths should be made as wide as is practicable, but under normal circumstances, a width of 2m is the minimum that should be provided.
14. When the cabinet doors are open the clearance would be reduced to 1.55m. However, once operational this would only occur a limited number of times per year. Also, the width of the entire proposed installation including the proposed street pole would be modest, 5.2m. As such, the reduced clearance when the cabinets are open, would only affect a very short section of the footpath. Moreover, this would still be in accordance with the Inclusive Mobility guidance where it indicates that where there is an obstacle the absolute minimum width of the footpath should be 1m, but the maximum length of such restricted space should be 6m.
15. The proposed installation would be on the same side of the road as the bus stop which includes a shelter. Nevertheless, there would be a moderate distance between the proposed installation and the bus shelter which would allow footpath users to safely manoeuvre past both obstacles.
16. The proposed installation would also be sited to the rear of the footpath away from the junctions between Deans Lane and Hale Drive, and Dryfield Road. Therefore, it would not have a harmful effect on the visibility experienced by drivers manoeuvring around these junctions.
17. The appellant does not dispute that the footpath is well used, including by families travelling to and from schools in the area. As the footpath is well used, there is a greater chance that individuals with mobility aids, such as wheelchairs, or visual impairments will use it. As such, individuals with the protected characteristics of age and disability, as defined by the Equality Act 2010, would be affected by my decision. Given the proposed clearances detailed above and the distance between the proposed installation and the bus stop, I am satisfied that there would be sufficient space for people to safely manoeuvre past one another. This includes people using prams and mobility aids, as well as those with visual impairments.
18. I conclude that the siting and appearance of the proposed installation would not have a harmful effect on pedestrian safety. In coming to this conclusion, I have

² Inclusive Mobility, A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure, Department for Transport, December 2021

had due regard to the Public Sector Equality Duty set out under Section 149 of the Equality Act 2010. In particular, the need to eliminate discrimination against persons with the protected characteristics of age and/or disability, advancing equality of opportunity for those persons and fostering good relations between them and others.

Need for siting

19. The appellant has indicated that the proposed installation is required to improve network coverage and capacity in the area. The Council contends that the area is currently “adequately covered” by 5G coverage. Nonetheless, the appellant has submitted plot coverage maps which demonstrate that the existing coverage in this area is worse than surrounding areas and the proposed installation would improve it. Furthermore, the proposed installation would improve capacity.
20. The Framework, Local Plan, and the London Plan support the development of high-quality and reliable communications infrastructure. However, the Framework requires the number of radio and electronic communications masts to be kept to a minimum, consistent with the needs of consumers. Paragraph 122 of the Framework requires applications to be supported by evidence which demonstrate that the applicant has explored the possibility of erecting antennas on an existing building, mast, or other structure.
21. The target area for the proposed installation correlates with the area shown to have the worst coverage on the coverage plot maps. The appellant has indicated that to improve network coverage and establish a 5G solution they would need to relocate from the existing shared installation at Hale Lane. The appellant has also indicated there are no established base station sites in the target area. As such, it has been demonstrated that a new installation would be required to achieve the intended outcomes.
22. The appellant has provided a comprehensive assessment of several sites within the target area, including potential installations on buildings. The assessment discounts alternative sites for several reasons including the presence of nearby residential properties, access arrangements for national rail land, and the impact the topography would have upon coverage. It concludes that the proposed siting would be the most suitable location for the proposed installation. The Council has not challenged the conclusion of this assessment.
23. I conclude that the siting and appearance of the proposed installation would cause harm to the character and appearance of the area. However, based on the evidence before me, it is unlikely that there is a more suitable site within the target area that may be reasonably available. Also, the appellant has demonstrated there is a need for the proposed installation, and the intended outcomes are supported by both national and local planning policy. In this instance, the identified harm is outweighed by the need for the installation to be sited as proposed, considering the lack of identified suitable alternatives.

Other Matters

24. Concerns have been raised about potential effects on health. However, the appellant has provided a declaration to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection.

25. Concerns have also been raised in relation to the public consultation of the planning application. The Council has confirmed that letters were sent to 22 neighbouring properties and a site notice was put up more than three weeks before the application was determined. I am therefore satisfied that appropriate consultation has been undertaken.
26. The effect of the siting and appearance of the proposed installation on house prices in the area and the desirability of neighbouring properties are not matters which affect my consideration of the planning merits of the proposal.

Conditions

27. Schedule 2, Part 16, Class A of 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. 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.

Conclusion

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

J Hobbs

INSPECTOR