



Appeal Decision

Site visit made on 22 April 2025

by **L Clark BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd May 2025

Appeal Ref: APP/N5090/W/24/3354560

Land on the western side of Church Hill Road, East Barnet, London EN4 8JP

Easting: 527791 Northing: 194557

- 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 24/1754/PNT.
- The development proposed is the installation of a 17.5 metre high monopole supporting 6 no. antennas and a 300mm transmission dish, the installation of 3 no. equipment cabinets and ancillary development thereto.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The grid reference in the banner heading is taken from the application form. This locates the site as shown on the submitted drawings and has been added for completeness.
3. 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 require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking account of any representations received. My determination of the appeal has been made on the same basis.
4. The principle of development is established by the GPDO, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, Policies DM01 and DM18 of the Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) are material considerations as they relate 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.
5. Since the appeal was submitted, a revised version of the Framework has been published. In relation to this appeal, the relevant parts are similar. Consequently, I have not gone back to the parties for comment. No party would be prejudiced or caused any injustice by me taking this approach.
6. The appellant has requested that I consider changes that were not before the Council when it took its decision. These changes relate to the colour of the proposed mast from olive green (RAL6003) to moorland green (BS12B21), which they

consider would better match the colour of the existing lighting columns. I have considered the proposed changes, taking into consideration the tests on Holborn Studios Ltd,¹ and I do not consider that the amendment would lead to the scheme being substantially different to that considered at the application stage. The Council have had an opportunity to submit comments on the amended plan during the course of the appeal. In these circumstances, I am satisfied that my consideration of the proposed amendments would cause no injustice to any party were I to consider them as part of the appeal documentation. I have therefore determined the appeal on the basis of the Photomontage Report dated 28 October 2024, Rev C2.

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

8. The appeal site is an area of sloping grass verge which lies between a hedge and a footway and runs parallel to the Church Hill Road (CHR). The grass verge is open and largely unobstructed. The road, whilst being relatively straight, falls from the appeal site towards the junction with Avondale Avenue and Parkside Gardens.
9. A hedge lies predominantly to the rear of the appeal site and extends from approximately 136 Church Hill Road (No 136) up to the junction with Avondale Avenue. The opposite side of CHR to the appeal site is mainly lined by trees to the periphery of Oak Hill Park and an area of Metropolitan Open Land (MOL).
10. The streetscene incorporates various vertical emphasis, including mature trees, lamp posts and an existing mast measuring approximately 11.7 metres high. The existing mast and its associated equipment cabinets are located on the same side of CHR as the appeal site, set further closer towards the junction of Avondale Avenue. The regular spacing between the trees to one side and the hedge to the other results in an open aspect to the character of CHR and the appeal site.
11. I note that the proposed arrangement would be similar to the existing apparatus further along CHR and that it would be slim for the loadings and range of technologies sought, at the lowest height required for the improved 5G service. I am mindful that the mast would be coloured to match as closely as possible the existing lamp posts, and the cabinets would be painted dark green, however notwithstanding this, the apparatus would nevertheless be set higher topographically than the existing mast, and as such, their location and the overall height of the mast would result in a significantly taller structure than the nearby vertical features, including trees, lamp posts and the existing mast. This would result in the proposed mast appearing more dominant than the existing street furniture.
12. Whilst the trees on the periphery of Oak Hill Park would provide some screening from the park and MOL, they would do little to screen views of it when on CHR. The visually intrusive and incongruous appearance of the proposed mast would contribute towards a material change in the character of this area. Together with the

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

nearby existing mast, the proposal would cumulatively exacerbate the impact of the proposed installation.

13. For the reasons given above, the proposed installation, due to its siting and appearance, would harm the character and appearance of the area.

Suitable Alternatives

14. The purpose of the installation is to provide the appellant with additional 4G coverage and 5G capacity and coverage for the Operator's network, and thereby facilitate significantly improved connectivity. The Framework supports the provision of high-quality and reliable communications. Planning decisions should support the expansion of electronic communications networks, including next-generation mobile technology (such as 5G) and full-fibre broadband connections. Paragraph 121 of the Framework sets out that applications, such as that proposed, should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
15. The proposed location was identified following a detailed search of the area². The SSSI identifies sites D1-D5, which have been investigated. Whilst the appellant contends that all alternative suitable sites have been explored. The evidence supplied fails to satisfy me that a thorough review of possible options within the search area has been conducted, or that potential alternatives were discounted on reasonable grounds. For example, I note that the existing mast (option D3) was included within the search for sites and discounted.
16. I acknowledge that the upgrade of the existing mast to accommodate additional operators may result in a need for a standard mast with a headframe and additional cabinets, however, I have nothing before me to demonstrate that a larger mast and cabinets would be either more prominent than the appeal before me or would cause an obstruction to pedestrians on the footway, which were the reasons for it being discounted. The evidence, therefore, does not robustly demonstrate that the existing mast could not accommodate the additional equipment necessary to improve connectivity. Furthermore, option D2 is shown to fall significantly outside the search area. I am therefore unclear why this was considered a suitable alternative site within the search.
17. Consequently, based on the evidence presented, I am not satisfied that a thorough review of possible options has been conducted within the search area. The appellant has therefore not adequately explored whether there may be less harmful alternative sites, such as the existing mast. The harm I have identified above is therefore not outweighed by the need for the installation to be sited as proposed.

Other Matters

18. Reference has been made to various social and economic benefits arising from the rollout of 5G technology. The government's support in this respect is made clear in the Framework and these benefits have been recognised in permitted development rights. As such, they do not carry additional weight when considering matters of siting and appearance as part of the prior approval process.

² Site Specific Supplementary Information (SSSI)

19. The appellant has also highlighted a range of other matters, including the Code of Practice for Wireless Network Development in England guidance³ and a letter from the Department for Digital, Culture, Media and Sport, confirmation of the proposal's conformity with ICNIRP, as well as an overview of telecommunications and Barnet's Growth Strategy 2020 – 2030. These matters do not justify the harm identified above.
20. I acknowledge that this appeal is a resubmission of a preceding prior approval application⁴ refused by the Council. I appreciate that the appellant has attempted to overcome the concerns previously raised, and that the proposed installation would have limited effect on the outlook of those nearest occupiers and would not obstruct the footway. Nevertheless, the amendments would still result in a proposal which would harm the character and appearance of the area.

Conclusion

21. I am not convinced that less harmful alternatives have been properly explored for the proposed installation. Accordingly, for the above reasons, significant harm would occur to the character and appearance of the area. The harm I have identified is not outweighed by the need for the installation to be sited as proposed or the other matters highlighted.
22. For the reasons given above, I conclude that the appeal should therefore be dismissed.

L Clark

INSPECTOR

³ Department Digital, Culture, Media and Sport

⁴ Ref 20/1917/PNT - Installation of a 20M Monopole, 12 no antenna apertures, 7 equipment cabinets and development ancillary