

Appeal Decision

Site visit made on 23 April 2025

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

an Inspector appointed by the Secretary of State

Decision date: 28 May 2025

Appeal Ref: APP/N5090/W/24/3354832

Victoria Recreation Ground, East Barnet, London EN4 9QL

Easting: 526795 Northing: 196519

- 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 24/1196/PNT.
- The development proposed is the installation of a 20m monopole supporting 6no. antennas, 2no. 300mm dishes, 2no. cabinets and ancillary works thereto.

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of a 20m monopole supporting 6no antennas, 2no 300mm dishes, 2no cabinets and ancillary works at Victoria Recreation Ground, East Barnet, London EN4 9QL, in accordance with the application 24/1196/PNT made on 22 March 2024, and the details submitted with it, including plans 100 A, 201 C and 301 F.

Preliminary Matters

2. There are discrepancies in the evidence with regard to the postcode. I have taken the postcode in the banner heading from the application form and added the grid reference for completeness, as this locates the site as shown on the submitted drawings.
3. The appellant submitted photomontages within their documents 'Design Scheme Photomontages' (the photomontages) in support of their appeal. These were not seen at the time the application was submitted, however, the Council and interested parties have since had the opportunity to comment on them and the appellant's supporting documents at appeal. As this does not change the substance of the proposed development that was considered by the Council, having regard to *Holborn Studios Ltd*¹, the Council and interested parties would not be prejudiced by my consideration of them. The numbering of viewpoints, however, differs between the two documents, and the position of two viewpoints also differs. For consistency, I have used numbering and the positions within the appeal statement and identified the differences where needed.
4. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1)

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

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.

5. The principle of development is established by the GPDO, and the provisions therein do not require regard to be had to the development plan. I have nevertheless had regard to the National Planning Policy Framework (the Framework), in so far as it is a material consideration relevant to matters of siting and appearance. The Framework was revised in December 2024, with further minor updates in February 2025. As the changes do not materially affect the main issues in this case, I have not gone back to the parties for comment. Whilst I have had regard to the Framework in reaching my decision, no party would be prejudiced or caused any injustice by me taking this approach.

Main Issue

6. 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

7. The appeal site is an area of grass verge located within the grounds of Victoria Recreation Ground (the recreation ground), adjacent to the New Barnet Leisure Centre and Library (the building), and to the rear of residential properties. Street furniture is set within areas of hardstanding close to the appeal site and the grass verge surrounding it, and include a bench, refuse bin, bollards, cycle shelters, flood lights and lamp posts. There are also a number of trees and bushes set to the periphery of the grass verge with properties in St James Close. A hedge is located along the majority of the boundary with the recreation ground and Lawton Road. Together, these natural features give the area a verdant appearance. Ground levels fall from the appeal site towards properties in St James Close, and towards properties on Baring Road and beyond the bowling green to the rear of the building towards Shirebourne Brook.
8. The appellant's technical evidence indicates there is a requirement for improved 3G and 4G coverage and capacity, and new 5G services in the area and that the proposed installation has been designed to address this. In this respect, and being mindful of paragraph 123 of the Framework and evidence before me, I am satisfied that the proposed mast would address a need for improved additional coverage and provide 5G. The improvement to the coverage weighs strongly in favour of the location.
9. The Council contend that the proposed development would have a significant adverse effect on the character and appearance of the recreation ground and the surrounding area. It has not, however, specified any views for me to consider. I have therefore used the appellant's viewpoints together with my observations on site.
10. I acknowledge that the mast, given its vertical emphasis, would be visible from within St James Close (viewpoint 4). However, this view is within a residential and predominantly private cul-de-sac. It also has a three-storey block of development at

its entrance fronting Park Road. I saw that the height of this front-facing block effectively screened views towards the rear, including the appeal site. It is therefore likely, given the topography of Park Road, that it would also screen the proposed mast from public vantage points.

11. Viewpoints 1 and 2 show that the proposed mast would be visible from Lawton Road and Westbrook Crescent and would be taller than the majority of structures and buildings in the area. However, telecommunication structures and associated cabinets are common features in built-up areas. Whilst visible to the side of the building, the intervening distance, together with trees and other numerous items of street furniture nearby, including lamp posts, floodlights and telegraph poles within the recreation ground, would assist in assimilating the mast's verticality into its context. From these viewpoints, the mast would not necessarily be highly noticeable.
12. To the western side of Baring Road, properties are set slightly higher than both the pavement and highway. Whilst views (viewpoint 3) are afforded between the properties towards the appeal site, I saw that there was currently a mix of tree and shrub planting present between the rear of the properties and the recreation ground. Given the change in level and intervening distance, I do not consider it would be as harmful as the Council contends. Rather, it would be less prominent in my mind as it would be glimpsed between the housing and existing trees.
13. Viewpoint 5 has no immediate screening and, as such, the mast and associated cabinets, whilst set approximately 70 metres from Lawton Road, would be visible from the vehicle entrance. With regard to the two cabinets, their height would be comparable in appearance to other forms of utility cabinets, which are commonly found within the public realm. Although relatively large, their position and dark green colour set within the grass verge would help with blending them into the immediate context and offset any adverse effect on either the recreation ground or the surrounding area. I do not agree that the addition of two cabinets in this context would result in a level of clutter which is harmful to the character and appearance of either the recreation ground or the surrounding area.
14. Turning to the mast, the appellant contends that the proposed apparatus has been designed using a slim supporting structure. The appellant's Proposed Side Elevation shows that it would be taller than both the building and nearby trees. From my observations, it would also have a thicker profile than nearby lampposts, floodlighting and telegraph poles. Despite the clear height and width differential, the mast would be significantly set back within the site from Lawton Road. Its distance, together with its grey finish and slim design, would not appear as an unduly conspicuous feature in the recreation ground or surrounding area.
15. With regard to viewpoint 5 within the photomontage, this shows that the existing building would obscure the cabinets and the majority of the mast. Given the height difference, the upper part of the mast would be visible above the roof. Views of this would therefore be seen against the backdrop of the sky from various locations from the west, including the playgrounds and grass pitches. Nevertheless, I saw that the design of the building to its western elevation has a strong vertical emphasis with both brick and wooden uprights; there are also a number of trees and lampposts between this viewpoint and the building and trees in the background, against which the top of the mast would be viewed. Given the distance of the mast from this viewpoint, its projection above the roof would not appear as

an uncharacteristic or alien feature against the skyline. I am therefore not persuaded that the installation would result in an unacceptable obtrusive or prominent addition within either the recreation grounds or the surrounding area

16. I am mindful of the Framework's approach to communications infrastructure, particularly the requirements of paragraphs 119, 120 and 122. Given that I have found no harm would occur as a result of the proposal, there is no need for me to consider the appellant's alternative site selection or those raised by interested parties.
17. I have identified that the improvement in coverage would weigh strongly in favour of the proposal in this location. I therefore conclude that the siting and appearance of the proposed installation would not have a harmful effect on the character and appearance of the area.

Other Matters

18. The appellant has stated that they undertook consultation with ward councillors, the local MP and occupants of properties surrounding the appeal site, including St James Close and Baring Road. The appeal has received a number of representations from interested parties, I am therefore satisfied that the occupiers of nearby properties have had an opportunity to comment on the proposal and that no party was prejudiced in this case.
19. I acknowledge that properties in St James Close are set close to the shared boundary with the appeal site, and occupiers would have views out over the rear boundary. However, I saw that these properties are single-storey and, as such, direct views from habitable rooms within the rear would be primarily over the boundary. Whilst the mast would be visible, the Council has not relied upon harm to outlook in its refusal reason and based on my observations on site, I see no reason to take a different view.
20. There is no substantive evidence before me to demonstrate that the proposal would result in noise pollution, overheating or harmful effects on nearby occupiers. As the Council has not relied upon these in its refusal reason, and based on the evidence before me, I see no reason to take a different view.
21. I have considered concerns that the grant of permission would set a precedent for similar proposals. However, each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding consent in this case.
22. The appellant has stated that the nearby gas holder is due to be removed together with its existing equipment. Even if the existing equipment could be retained under the powers of the Electronic Communications Code, I have nothing before me to demonstrate that the existing apparatus could be accommodated within the proposed redeveloped scheme.
23. Concerns have also been raised regarding the potential for damage to trees, their roots, wildlife and biodiversity and the potential for the proposed scheme to obstruct nearby pavements. However, there is no firm evidence to support these claims, and despite the appeal constituting a further submission for a similar proposal within the same recreation ground², these issues would not justify dismissal of the appeal.

² 21/1811/PNT, 22/1149/PNT, 24/4432/PNT and 24/2578/PNT

Furthermore, there is no evidence to demonstrate that the proposal would compromise open space used for playing pitches.

24. Concerns have been raised about potential effects on health. However, the appellant has provided a declaration of compliance with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the NPPF 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.
25. Whether or not the Council undertook a site visit, together with matters relating to the Council's management of the recreation ground, and whether the existing floodlighting have planning permission, falls outside the scope of my assessment, which must focus on the planning merits of the appeal proposal.
26. I have also had regard to all other matters raised, including the alleged existing good connectivity, the Environmental Act 2021 and the potential to disguise the mast, however, they do not alter my conclusion.

Conditions

27. The GPDO does not provide any specific authority for imposing additional conditions beyond those deemed by it for development by electronic communications code operators. These specify that the development must be carried out in accordance with the details submitted with the application, that they begin within 5 years of the date of the approval, 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.

L Clark

INSPECTOR