
Appeal Decision

Site visit made on 12 April 2016

by G Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 May 2016

Appeal Ref: APP/Q5300/W/16/3142885

Hadley Wood Station, Crescent West, Hadley Wood, Barnet EN4 0EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by CTIL and Telefonica UK Limited against the decision of the Council of the London Borough of Enfield.
 - The application Ref 15/02500/FUL, dated 2 June 2015, was refused by notice dated 5 August 2015.
 - The development is described as " the installation of a 20m cypress tree supporting 6 no. antennas and 2 no. 300mm dishes along with 4 no. ground based cabinets with development ancillary thereto all to be enclosed within a fenced compound measuring 4.10m x 7.825m."
-

Decision

1. The appeal is allowed and planning permission is granted for the installation of a 20m cypress tree supporting 6 no. antennas and 2 no. 300mm dishes along with 4 no. ground based cabinets with development ancillary thereto all to be enclosed within a fenced compound measuring 4.10m x 7.825m at Hadley Wood Station, Crescent West, Hadley Wood, Barnet EN4 0EL in accordance with the terms of the application, Ref 15/02500/FUL, dated 2 June 2015, subject to the conditions in the schedule to this decision.

Main Issues

2. The main issues in this appeal are the effects of the proposal on the character and appearance of the surrounding area and adjacent Green Belt, and whether any harm caused is outweighed by the need to site the installation in the location proposed.

Reasons

3. The appeal site is a small roughly triangular service yard adjoining the platform of Hadley Wood Station. Fringed by sparsely planted deciduous trees to the rear, and more dense vegetation to its side, the yard is open to views from the platforms and passing trains. From the platforms, the yard is viewed in the surrounding functional context of railway lines, the regularly-spaced rows of lamp-posts, and other vertical railway structures. To the rear, the appeal site is bounded by a public footpath, which marks the boundary of the Metropolitan Green Belt (MGB), and beyond that open playing fields. The Hadley Wood Conservation Area boundary lies along the road to the front of the station.
-

4. The appeal scheme would introduce telecommunications equipment within the service yard, the most visible element of which would be the 20m high pole that would have the appearance of a cypress tree. The proposal would site lower rise related development in the yard including 4 cabinets of a height of just over 1.5m and fencing enclosing the equipment of around 1.8m in height.
5. At the time of my site visit the trees fringing the appeal site were not yet fully in leaf, combined with their sparse planting, this would mean that the proposed cypress would be prominent and visible in very localised views from the footpath and the immediately adjacent playing field. Furthermore, due to its siting and dislocation from the surrounding tree cover the proposal would look incongruous within the open and functional surroundings of the railway platform, where it would be apparent that it was an item of telecommunications equipment disguised as a tree.
6. I have fewer concerns about the proposal's visual effects in longer range views, and during times of the year when the trees are in fuller leaf. I saw that from the adjacent public footpath, which sloped upwards along its course away from the station yard, the proposal would gradually blend into the wider tree cover visible in longer range views to the south of the station, and would not in this context appear unduly incongruous or visually harmful. In longer range views from the MGB, the undulating terrain and intervening trees would reduce the proposal's visibility.
7. From Crescent West, intervening buildings, the parapet wall of the railway bridge and tree cover would all reduce the visual effect of the proposal. It would only be viewed in glimpses if at all, most notably over the boundary of Gables Lodge adjacent to the railway bridge. In any event, most views of the proposal glimpsed from the crescent would be against a backdrop of mature trees, and it would thus not look incongruous. As this thoroughfare marks the boundary of the Hadley Wood Conservation Area the proposal would thus have a minimal effect on its setting. Consequently, the proposal would be of no harm to the character, appearance or significance of the conservation area.
8. In terms of the low-rise cabinets and fencing that the proposal would introduce on to the site, these are of a scale and character that would not look incongruous within the functional surroundings of the railway station. Thus I do not consider that any harmful effects to the area's character and appearance would flow from the installation of these low-rise structures.
9. Consequently, I consider that the proposal would not cause harm to the character or appearance of either the conservation area or that of the adjacent MGB. Its principal harm to character and appearance would be extremely localised and within the context of the immediate functional and engineered environs of the station, where due to the mast's design, and its dislocation from the surrounding vegetation, it would look incongruous.
10. Given this minor harm to the character and appearance of the station arising from the design and siting of the proposed mast, I am mindful of the guidance of the National Planning Policy Framework (the Framework), which states that local planning authorities should "aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used unless the need for a new site is justified".

11. The appellants submitted evidence in regard to their consideration of the suitability of other sites. The owner of 14 Crescent West, which currently hosts telecommunications equipment, did not want any further such development. Neither did the lawn tennis club on the opposite side of the railway to the station yard express an interest in accommodating such an installation. Other sites considered would be closer to residential properties, and one would have had a greater effect on the character and appearance of the conservation area. Furthermore, an alternative site suggested as part of the consultation process would be within the MGB itself, and thus would be of demonstrable harm to its openness.
12. I am thus persuaded that alternative sites were considered and that best endeavours were made to co-locate the proposal alongside existing equipment. Moreover, the appellant also submitted evidence of a previous appeal decision¹, which established the principle that the station yard would be suitable for a telecommunications installation. Whilst the siting and design of this previous scheme differ to those of the current proposal, its height would have been the same.
13. Although the proposal would appear incongruous within the immediate station environment, I am mindful of the Framework which states that "Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate". I have also had regard to the appellants' suggestion that the design of the mast and the type of tree employed could be subject to a condition. Consequently, whilst the proposed tree effect for the mast would look a little disjointed within the station yard itself, its camouflage would reduce the mast's visual effects in the context of longer range and more sensitive views from both the conservation area and the open surroundings of the adjacent MGB.
14. I have had regard to the Framework's guidance at paragraphs 6-7, which state that the purpose of the planning system is to contribute towards the three dimensions of sustainable development, namely the economic, social and environmental. In considering the scheme I have had regard to the evidence submitted by the appellants that demonstrates the significant improvement to mobile phone 2g, 3g and 4g network coverage that would be achieved for both the residents of Hadley Wood and train passengers. The proposal would thus have demonstrable economic and social benefits, through facilitating digital connectivity for both employment and social purposes. Moreover, through enabling home working the proposal could have positive environmental effects by reducing the necessity for people to commute.
15. Consequently, the appeal scheme would provide demonstrable economic and social benefits that would outweigh its minor effects on the character and appearance of the station. The proposal, due to its lack of significantly harmful visual effects on the character and appearance of the adjacent MGB would not conflict with the CP33 of the Enfield Core Strategy (adopted November 2010) ("the Core Strategy") or Policy DMD 83 of the Enfield Development Management Development Plan Document (adopted November 2014) ("the DMDPD"). Whilst I detect some conflict with the objectives of CP30 of the Core Strategy and DMD37 of the DMDPD, I have given greater weight to the Framework in these regards as the proposal's minor harms to the immediate

¹ T/APP/Q5300/A/99/1030325/P2

character and appearance of the station are outweighed by its substantial economic and social benefits, and an appropriate condition could considerably soften any harmful visual effects.

Other Matters

16. I note concerns with the potential exposure to high winds of this tall structure adjacent to a railway line, but I have no evidence before me to suggest that it would be of a specification susceptible to collapse. Similarly, I am mindful of concerns about safety of the footpath during the construction of the appeal scheme, however, I have no reason to doubt that the developers of the scheme would abide by the relevant statutory codes in relation to health and safety and construction site management, which would mitigate any risks in this regard.
17. I had regard to the suggestion that a smaller mast could be developed at the site to serve only rail passengers and that a further mast could be developed elsewhere to serve Hadley Wood residents more generally. However, I find the appellants' evidence showing a general lack of other suitable sites persuasive in this regard. I also consider that evidence of the enhanced coverage achieved by the proposal which was submitted with the appeal documents is demonstrative of the mast's potential to boost network access across Hadley Wood and not just to rail passengers, and I have been supplied with no substantive evidence that would contradict this.
18. I note the willingness of respondents to have more dialogue with the developers about siting of telecommunications infrastructure, but have also had regard to the pre-application involvement in this scheme, that resulted in some changes, not least the proposal to camouflage the mast to soften its visual effects in long range views.
19. I considered the proposal's potential effects on providing step free access to the railway station. The precise details of the step free access scheme are not before me in this appeal. Moreover, this is essentially a matter for the landowner to determine as part of its ongoing management of the site. For these reasons this consideration has not been determinative in my consideration of the appeal. Similarly, that the yard is currently in frequent use and that the proposal may interfere with this is essentially a matter for the landowner, and not one that is instrumental in my consideration of the appeal.
20. I had regard to the suggestion that the playing field is a sensitive location, and some previous appeal decisions on mast schemes were referred to concerning potential effects on such sites. However, the substance of these decisions was not before me and in the absence of further details I am unable to attach them substantial weight in my assessment of the current appeal. Whilst the playing fields may be well-used, I am mindful of the Declaration of Conformity with ICNIRP Public Exposure Guidelines, which ensures that the proposal complies with paragraph 46 of the Framework as regards to the proposal's potential health impacts.
21. The proposal may be visible from windows of residential properties. However, due to the separation distances achieved between it and the nearest dwellings and its relatively slim profile at higher level, it could not be said to constitute an overbearing structure that would be unduly harmful to outlook. In terms of the proposal's effects on private views, these are matters that the Courts have

held can rarely be instrumental in planning decisions, and as such I only attach very limited weight to these considerations in arriving at my decision.

Conditions

22. I have assessed the planning conditions submitted by the Council, and the one suggested by the appellant against the criteria contained in paragraph 206 of the Framework.
23. I have attached the standard implementation condition in the interests of the proper planning of the area and to comply with the requirements of the Town and Country Planning Act 1990 (as amended). In the interests of certainty, I have attached a condition requiring the development to be implemented in line with the approved plans. In order that the mast is as sensitive as possible to its immediate environs, I have attached a condition regarding submission and approval of details to be employed in the development, as suggested by the appellant.

Conclusion

24. Whilst I have detected some minor harm to the character and appearance of the proposal's immediate environment by way of its visual incongruity, this harm is clearly outweighed by the appeal scheme's considerable social and economic benefits, and modest though demonstrable environmental benefits.
25. The appeal scheme would thus constitute sustainable development for the purposes of the Framework. This consideration would outweigh the minor conflict with the policies of the development plan insofar as they have been brought to my attention. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

G Fort

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plans (drawing no.100) dated 17.07.14; Lease Demise (drawing no.101) dated 17.07.14; Proposed Site Plan (drawing no. 200) dated 17.07.14; Proposed North East Elevation (drawing no. 101) dated 17.07.14.
- 3) Notwithstanding condition (2) no development shall take place until details of the proposed mast tree type have been submitted to and approved writing by the local planning authority. Development shall be carried out in accordance with the approved details.