



Appeal Decision

Site visit made on 1 November, 2017

by G. Rollings, BA (Hons) MA(UD) MRTPI

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

Decision date: 11th December, 2017

Appeal Ref: APP/M5450/W/17/3180345

**Highways land, the Corner of Wendela Court and Sudbury Hill,
Harrow-on-the-Hill, HA1 3NB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 CTIL and Telefonica UK Ltd. against the decision of the Council of the London Borough of Harrow.
 - The application Ref: P/5600/16 dated 28 November, 2016 was refused by notice dated 20 January, 2017.
 - The development proposed is described as the installation of a new 12.5m high column supporting internally shrouded antennas, 1 no cabinet and ancillary work thereto.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the installation of a new 12.5m high column supporting internally shrouded antennas, 1no cabinet and ancillary work thereto at Highways land, the corner of Wendela Court and Sudbury Hill, Harrow-on-the-Hill, HA1 3NB in accordance with the details submitted pursuant to Schedule 2, Part 16, Paragraph A.3 of the GPDO.

Background and Main Issues

2. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GDPO) 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 and provided that the apparatus is within the limits set out within the GDPO. My determination of this appeal has been made in the same manner.
3. Accordingly, the main issues are whether the proposed works are permitted development for which prior approval can be granted, and if so, whether they would raise any concerns in terms of their siting and appearance.

Reasons

4. The proposed development comprises several components as set out above, and would be sited on the grassed verge of a road intersection. The site is approached from curves in both directions along Sudbury Hill, with the land

and its surroundings mildly to steeply sloping. It is within the Sudbury Hill Conservation Area and there are listed buildings nearby.

5. The proposed cabinet would be sited close to but not directly alongside the proposed column. The column would have a similar diameter along its length and be sited adjacent to the pedestrian pavement on the side of Sudbury Hill. Due to the curved nature of the road, views of the site along the Sudbury Hill approaches are limited to short sections. A line of mature deciduous trees lines the boundary of the verge land, and would appear behind the proposed column along much of the approach views. Wendela Court ascends to the level of the site and in views along this street; the column would be mostly obscured by the trees.
6. Other items of street furniture include within the immediate surroundings include a grit bin and lampposts. The cabinet would be relatively unobtrusive, close to the grit bin and with an appearance similar to other roadside utility cabinets that I saw in the surrounding area.
7. The otherwise high visual impact of the proposed column, with no similarly scaled precedents in view, is tempered by the presence of the trees. I visited when leaf fall was occurring and was able to ascertain that the column would appear against a backdrop of denuded tree branches during the winter months. In the views mentioned above, and in views from nearby dwellings, the column would appear through or against the tall and spreading cover of the trees, and its impact would be limited.
8. However, in closer views such as from the pavement in the vicinity of the column and the road intersection, the column would not appear against this backdrop. Despite its slenderness, its height, proximity and isolated siting in these views would contribute to a high degree of visibility, and as such, the column would appear out of place in views from these locations. In this manner the proposed column would neither preserve nor enhance the character or appearance of the conservation area.
9. I have also had regard to the setting of the two closest listed buildings, which are at The Mount to the north and The Orchard to the south. Views from around the site of these locations, in which the proposed structures would also be visible, are limited to glimpses and are largely obscured by built features and vegetation. As such, I am satisfied that the proposal would preserve the particular significance of these heritage features and their settings.
10. I have considered the likely effects of the proposed installation on highway safety. The curves and gradients of the roads in this vicinity mean that vehicle drivers are likely to be alert to their surroundings, and given the proportions and location of the installation, which would be set back from the road, I am not convinced that the proposal would worsen existing conditions. Furthermore there is insufficient evidence before me to demonstrate that the siting and appearance of the proposed development would have a harmful impact on the safety of users of the highway.
11. I have also considered the appellant's assessment of alternative locations for the equipment. I acknowledge the appellant's evidence in relation to the Mobile Operators' Association's *Code of Best Practice on Mobile Network Development in England* (2016) and advice of the *National Planning Practice Framework* (the Framework) and the latter's guidance on need. Given the

topography of the site and its surrounding features, I accept that the column's intended height is the minimum for effective operation. The alternative siting options are potentially less harmful in terms of effects on the character and appearance of the area, but are unsuitable due to land ownership conflicts or other issues. The parties also refer to a previously accepted location for similar equipment opposite the site, which was allowed¹ on appeal but not implemented, citing the site's unsuitability for housing the appropriate equipment and the presence of underground services.

12. Taking all of the above considerations into account and the absence of suitable alternative sites within the vicinity, it is evident that the site is the most viable alternative. The proposal would be permitted development and provide public benefits in extending the telecommunications capacity of the area. In applying the balancing test of paragraph 134 of the Framework, I consider that these benefits outweigh the harm that would arise from the proposal's impact on the character and appearance of the Conservation Area, which I consider to be less than substantial.
13. I therefore conclude that the proposed works are permitted development for which prior approval can be granted, and that in applying the weighted balance, they would result in less than substantial harm in terms of their siting and appearance. I have had regard to the Council's policies that are relevant to this issue, including, *Harrow Core Strategy* (2012) Policy CS 1, *Development Management Policies* (2013) Policies DM 1, DM 7 and DM 49, *Harrow on the Hill Conservation Areas Supplementary Planning Document* (2008) and the *Sudbury Hill Management Study* (2008), as well as Policy 7.8 of *The London Plan* (2016).

Other issues

14. Many of the occupiers of the surrounding properties have objected to the proposal, and I have taken these submissions into account. The majority of objections relate to matters of siting and appearance, which I have considered above. Other concerns included the impact on health of those living nearby, which I acknowledge in the context of the Framework, and the setting of a precedent for future applications of a similar nature. Given the area's Conservation Area status and the need for applications to be considered on their planning merits in each instance, I do not consider that in allowing this appeal that such a precedent would be established.

Conclusion and Conditions

15. For the reasons given above, and having taken all other matters into account, I conclude that the appeal should be allowed and prior approval granted. The planning permission granted for the installation of a new 12.5m high column supporting internally shrouded antennas, 1no cabinet and ancillary work thereto under Schedule 2, Part 16, Class A is subject to the standard conditions set out in the Order.

G Rollings

INSPECTOR

¹ Appeal ref: APP/M5450/A/07/2036330; date of decision: 11 June 2007.