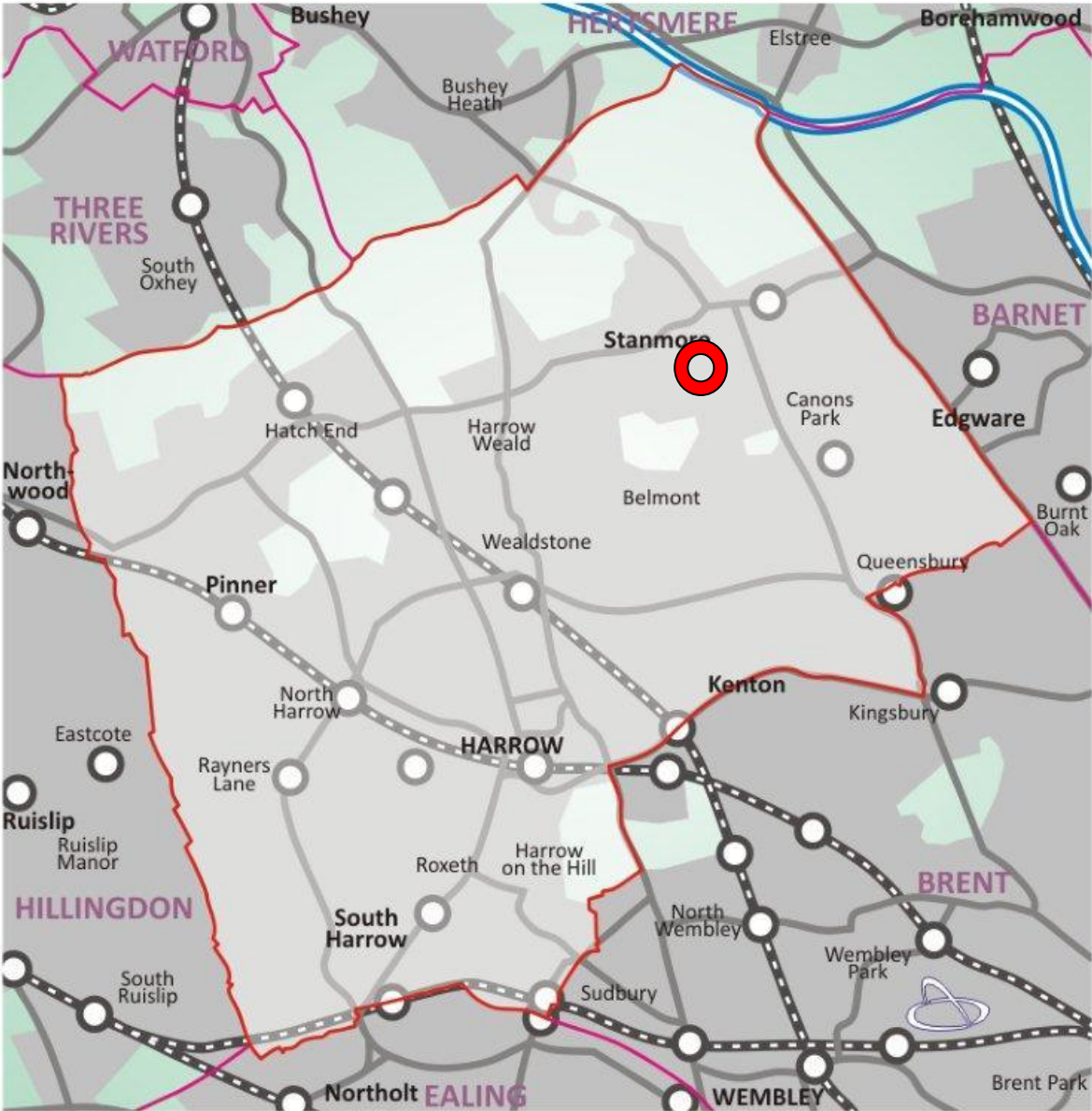
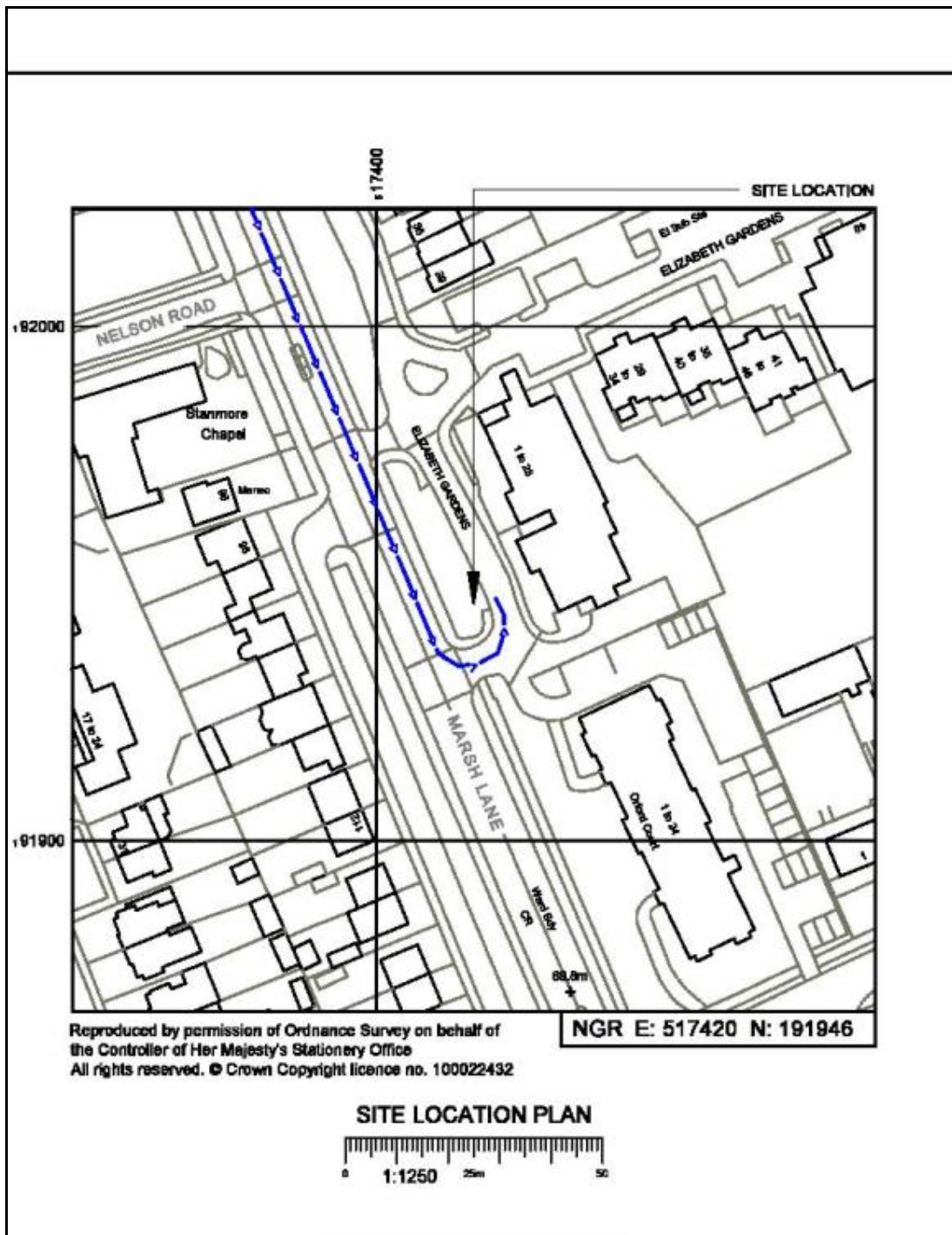


 = application site



Street Record, Elizabeth Gardens, Stanmore	P/2408/20
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Location Plan



LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

2nd September 2020

APPLICATION NUMBER: P/2408/20
VALID DATE: 5th AUGUST 2020
LOCATION: VERGE FRONTING 1-28 ELIZABETH GARDENS
ADJACENT TO INTERSECTION WITH MARSH
LANE, STANMORE
WARD: CANONS
POSTCODE: N/A
APPLICANT: Hutchison 3G UK Limited
AGENT: Chris Weir
CASE OFFICER: WILL HOSSACK
EXPIRY DATE: 7th SEPTEMBER 2020

PROPOSAL

Prior Approval Of Details And Siting For Installation Of 20M High Phase 8 Monopole With Wraparound Cabinet At Base; Three Equipment Cabinets And Associated Works For 5G Network

RECOMMENDATION

The Planning Committee is asked to:

- 1) Grant prior approval of details of siting and appearance for the development described in the application and submitted plans.

REASON FOR THE RECOMMENDATION

The proposed impact of the proposal, despite the height of the 20m high monopole, would not be considered to be of significant detriment to the character appearance of the area nor residential amenities. This is due to the existing local context provided by its siting including the partial screening of trees and street furniture, and the presence of existing telecommunications equipment in close proximity to the application site. The proposal therefore accords with the Harrow Development Management Policies Local Plan as its siting minimises its impact on the area, whilst providing a significant public benefit. The demonstration of the unsuitability of alternative site also adds weight, in accordance with the NPPF, to the proposal. Having regard to the strong weight attached to telecommunications development outlined in the NPPF, it is considered on balance the proposal would not result in unreasonable harmful impacts on the character and appearance of the area. Accordingly, prior approval is required and is recommended for grant

INFORMATION

This application is reported to Planning Committee at the request of a nominated member in the public interest. The application is therefore referred to the Planning Committee as it does not fall within any of the provisions set out at paragraphs 1(a)-1(h) of the Scheme of Delegation dated 12th December 2018.

Statutory Return Type: E29
Council Interest: Adopted Highway
Net additional Floorspace: N/A
GLA Community N/A
Infrastructure Levy (CIL)
Contribution (provisional):
Local CIL requirement: N/A

HUMAN RIGHTS ACT

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

EQUALITIES

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.

S17 CRIME & DISORDER ACT

Policies 7.3.B and 7.13.B of The London Plan and Policy DM1 of the Development Management Policies Local Plan require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the development does not adversely affect crime risk.

1.0 SITE DESCRIPTION

- 1.2 The subject site comprises a traffic island separating Marsh Lane (A4140) and Elizabeth Gardens. The traffic island is adopted highways land.
- 1.3 The traffic island contains a deep grass verge and contains three trees. Traffic islands are a recurring feature in the immediate locality (when heading north-west along the A4140). A three storey block of flats, no's 1 to 28 Elizabeth Gardens is sited to the north east of the island.
- 1.4 The traffic island which pertains to the subject application is adjacent to a public footpath and is also adjacent to a bus stop.
- 1.5 The adjacent traffic island (sited to the north-west) contains existing telecommunications equipment currently operated by a different telecoms operator.

2.0 PROPOSAL

- 2.1 The proposal seeks to install a 20m high phase 8 monopole with wraparound cabinet at base; three equipment cabinet and associated works for 5G network.

3.0 RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history relating to the application site

4.0 CONSULTATION

- 4.1 A total of 300 consultation letters were sent to neighbouring properties regarding this application.
- 4.3 The statutory public consultation period expires on 2nd September 2020 and 4 objections were received and are summarised below. Any additional comments submitted after the agenda of the Planning Committee is published will be reported to the Planning Committee in the addendum.

Summary of Comments

Character and appearance / Residential Amenities

Proximity to local residences and nursing home; Alternative site should be sought; Impact of siting behind trees and within the grass verge would eclipse the tree line and damage to the detriment of the area; Existing telecommunications equipment in the locality is already a detriment to the area erection of further equipment will change character of the street; Excessive height of the proposal;

Officer response: The proposal has provided documentation which detail the inappropriate nature of other sites in the locality. It is considered the proposed siting of the telecommunications mast would be the most appropriate of the all

potential locations due to the screening offered by surrounding trees and the established presence of the existing telecommunications equipment in close proximity. Although the height of the telecommunications would eclipse the tree line, the 20m height of the proposal is the minimum height required to facilitate the required 5G services. It is considered the limited visual intrusion this causes would be significantly outweighed by the public benefit of 5G provision in the area and its siting is in an area considered to cause the least amount of harm to the character and appearance of the locality.

Other issues:

Health Impacts of 5G; Total Health Impacts are still to be ascertained

Officer response: The National Planning Policy Framework (2019) states that Local Planning Authorities should limit their assessment of communication infrastructure to planning grounds only, explicitly they should not set health safeguards different from the International Commission guidelines for public exposure. The NPPF further states that applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported when a statement is provided that self-certified that, when operational International Commission guidelines will be met. The application has submitted a statement declaring conformity with the International Commission On Non-ionising Radiation Protection (ICNIRP) guidelines once operational. It is therefore considered within the scope of the planning process the proposal has provided the relevant declaration to not be considered to have an adverse effect on health.

4.4 Statutory and Non Statutory Consultation

4.5 A summary of the consultation responses received along with the Officer comments are set out in the Table below.

Consultee and Summary of Comments

LBH Highways

The proposal would not cause any loss of visibility for vehicular users of the highway and ergo would not raise any highway safety concerns.

5.0 POLICIES

5.1 This application has been made under Part 16 of Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. This requires the developer, *inter alia*, to submit to the local planning authority for prior approval as to the siting and appearance of the equipment.

5.2 The Government has issued the National Planning Policy Framework [NPPF 2019] sets out the Government's planning policies for England and how these should be applied, and is a material consideration in the determination of this application.

- 5.3 In this instance, the Development Plan comprises The London Plan 2016 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].
- 5.4 While this application has been principally considered against the adopted London Plan (2016) policies, some regard has also been given to relevant policies in the Draft London Plan (2019), as this will eventually replace the current London Plan (2016) when adopted and forms part of the development plan for the Borough.
- 5.5 The document was originally published in draft form in December 2017 and subject to Examination in Public (EiP) with the Panel's report published in October 2019. The Mayor of London has considered these recommendations, and has either accepted them or where not, provided justification as to why accepting them would not be appropriate. The Mayor has now submitted to the Secretary of State an 'Intend to Publish' version of The Plan. It is for the Secretary of State to determine whether he agrees with the revised Plan and it ought to be published in that form.

6.0 ASSESSMENT

- 6.1.1 The main issues are:

Telecommunications Development
Compliance with ICNIRP guidance
Character of the Area and Visual Amenity
Highway Safety

6.2 Telecommunications Development

The relevant policies and legislation are:

- The National Planning Policy Framework (2019)
- Harrow Development Management Policies (2013): DM49
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 16, Class A.

- 6.2.1 The public benefit of the proposal would be enabling 5G coverage to an area identified as a 'coverage hole' by the operator. This accords with policy guidance in the NPPF which highlights the importance of high quality communications infrastructure, both for sustainable economic growth and to enhance local community facilities and services. In justifying a location for a new mast or base station, the NPPF states that applicants should provide evidence that they have explored the possibility of erecting antennas on an existing building, mast or other structure. The subject application has provided and complied with all the necessary prerequisites pertaining to the prior approval process (including serving notice to the Highway Authority, who own the application site land) and as such subject to prior approval in regards to its siting and appearance, the subject application would be considered Permitted Development.

- 6.2.2 The application has provided supporting documents detailing the suitability of the application site in relation to other possible sites in the locality. The submitted documents state all identified sites where areas which would provide coverage to the targeted areas for the operators and that existing base stations are not capable of supporting additional required equipment. It also notes that recent 5G technology requires monopoles to have a minimum height of 20m in order to operate.
- 6.2.3 The proposed siting of the mast in alternative residential locations would be considered significantly detrimental in terms of its impact to the locality with no existing telecommunications equipment or screening available. The application has also stated the existing telecommunications installation, in the immediate locality, is not capable of being shared with the operator.
- 6.2.4 It is considered the justification disregarding alternatives sites can be sustained in terms of their impact to siting and appearance. As such, this contributes significantly to the justification of the proposed site, as it would cause the least amount of visual intrusion in terms of impact to character and appearance whilst providing a significant public benefit.
- 6.2.5 The subject application has provided and complied with all the necessary prerequisites pertaining to the prior approval process as per Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This includes serving notice to the Highway Authority, who own the application site land and as such, subject to prior approval, in regards to its siting and appearance the subject application would be considered Permitted Development.

6.3 Compliance with ICNIRP

- 6.3.1 The relevant policies are:
- National Planning Policy Framework (2019)
- 6.3.2 Paragraph 116 of The NPPF explicitly states: “*Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.*” The application is supported by a declaration of ICNIRP conformity (dated 26/06/2020) and as such it is considered the proposal is acceptable in this regard. Compliance with ICNIRP guidance is monitored and further enforced by regulators outside of the planning process.

6.4 Character and Appearance of the Area / Visual Amenities

- 6.4.1 The relevant policies are:
- The National Planning Policy Framework (2019)
 - Harrow Development Management Policies (2013): DM1, DM49
 - Harrow Core Strategy (2012): CS1

- The London Plan (2016): 7.4, 7.5, 7.6
- The London Plan (2019) – Intend to Publish: D1, D3

- 6.4.2 The application site proposes the equipment to be sited on a traffic island adjacent to the A4140. The traffic island contains existing trees, and is adjacent to street furniture. There is an adjacent traffic island sited to the north-west of the application site which contains existing telecommunications equipment consisting of a mast and radio equipment housing (approx. 45m away from the application site).
- 6.4.3 It is acknowledged the height of the telecommunications mast would eclipse the height of the surrounding trees and adjacent block of flats at 20m, however, the height of 20m is the minimum height requirement in order to provide capacity for 5G technology. Recent appeal decisions which have been allowed in the borough (Appeal ref. number APP/M5450/W/20/3245964 (Land adjacent to 354 High Road, Harrow Weald, London, HA3 6HF) and APP/M5450/W/19/3242580 (Highway Verge, Uxbridge Road, Harrow Weald, Harrow, HA3 6SS) have found the impact of 20m masts to be acceptable in their own right. The Planning Inspectors noted that despite the increase in height from previous telecommunications equipment, which would have some visual impact, this would be offset by the slim design of the 20m high masts. In the former appeal decisions, the Planning Inspector also placed weight on the locality already exhibiting other telecommunications equipment in the absence of any screening. This has been duly considered in the determination of this application. In the allowed appeal APP/M5450/W/19/3242580, the Inspector attached weight to the buffer that would be provided by trees, despite the proposal being fully visible from several vantage points.
- 6.4.4 The visual impact of the proposal would be consistent with the aforementioned appeal decisions due to its siting and appearance. The mast would be sited within the traffic island, surrounding street furniture and tree cover offering partial screening. It is also noted the mast would have a backdrop of the three storey block of flats when viewed from the footpath. The proposed radio equipment housing cabinets would be of limited size and would be considered acceptable being within the surrounding street furniture. When viewed in this context it is considered there is limited harm caused to the character and appearance of the area.
- 6.4.5 The mast would also be clearly visible when viewed from the adjacent block of flats no's 1 to 28 Elizabeth Gardens (when facing south-west on Elizabeth Gardens), however, as discussed above the relatively slim design of the mast would not be considered to be a significantly visually intrusive form of development. The presence of existing equipment at the adjacent traffic island provides a context where the proposal would not be incongruous to the area.
- 6.4.6 It is acknowledged the proposal is sited 10m away from the principal elevation of the adjacent block of flats and that Policy DM49 requires assessment of not only impact to character and appearance of the area but also to residential amenities. The siting of the monopole is sited to be in between the panels of glazing and not directly in front of adjacent windows. Furthermore, the siting of the mast to the

south-west of the block of flats means the occurrence of overshadowing from the mast would be extremely limited and the width of the mast (spanning approx.0.4m) would cast modest shadows in any case. The flats potentially affected are served by multiple window panels and the limited impact would not be deemed to be of significant detriment to the residential amenities of the adjacent residence.

- 6.4.7 The alternative sites were primarily identified in purely residential areas of roads including Sandymount Avenue, Charlbury Avenue, Du Cros Drive and Merryfield Gardens. It is considered the siting of the proposed telecommunications equipment in these areas would offer little to no screening and due to their primarily residential character (dominated by two-storey high semi-detached dwellinghouses) the proposal would be significantly incongruous and more visually intrusive in these areas, than its impact on the current application site.
- 6.4.8 Overall, it is considered the proposal has identified the most appropriate siting for the proposed telecommunications equipment which offers existing context of similar development whilst providing partial screening of the proposal, its siting and appearance is considered acceptable in this regard. Although the height of the proposed mast would provide some visual intrusion to the area, on planning balance, it is considered the limited harm to the character and appearance of the area and the visual/residential amenities of neighbouring occupiers would be outweighed by the principal public benefit of providing upgraded services to the local area.

6.5 Highway Safety

- 6.5.1 The relevant policies are:
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Article 3 Paragraph 6
- 6.5.2 The councils Highway Authority were consulted during the course of the application and asked to verify ownership of the application site. The Highway Authority confirmed the application site falls within the Adopted Highway. The application has provided a copy of developers notice served to the Highway Authority prior to the submission of the application and as such complies with paragraph A.3(2)(a) of the GPDO.
- 6.5.3 The Highways Authority also provided comment on whether the proposal would create an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons. The Highway Authority raised no objection in this regard and as such the proposal complies with Article 3 Paragraph 6 of the GPDO and subject to prior approval would be considered Permitted Development.

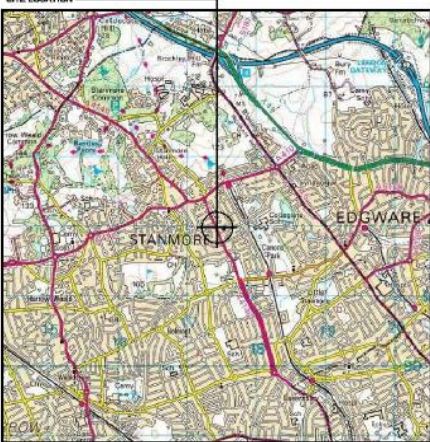
7.0 CONCLUSION AND REASONS FOR APPROVAL

- 7.1 The proposed impact of the proposal, despite the height of the 20m high monopole, would not be considered to be of significant detriment to the character appearance of the area nor residential amenities. This is due to the existing local

context provided by its siting including the partial screening of trees and street furniture, and the presence of existing telecommunications equipment in close proximity to the application site. The proposal therefore accords with the Harrow Development Management Policies Local Plan as its siting minimises its impact on the area, whilst providing a significant public benefit. The demonstration of the unsuitability of alternative site also adds weight, in accordance with the NPPF, to the proposal. Having regard to the strong weight attached to telecommunications development outlined in the NPPF, it is considered on balance the proposal would not result in unreasonable harmful impacts on the character and appearance of the area. Accordingly, prior approval is required and is recommended for grant.


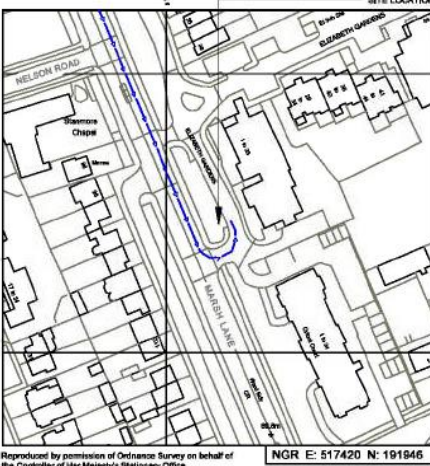
APPENDIX 1: INFORMATIVES

APPENDIX 2: SITE PLAN



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SITE AREA PLAN
0 1:50,000 2





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SITE LOCATION PLAN
0 1:1250 20

NGR E: 517420 N: 91946

NOTE:
1. ALL DIMENSIONS IN MM UNLESS OTHERWISE NOTED.


Access Route To Site: 

REV	MODIFICATION	BY	CHK	DATE



Hutchinson 3G UK Limited
1st Floor, 11 Oxford Street
London, W1D 1BS
Tel: 020 7593 9000
Fax: 020 7593 9001
100 Bone Street, Birmingham B1 4LL
0800 000000
Available from Open Monday to Friday

Design Consultant & Principal Contractor:



GBC Group British Commercial Solutions
1st Floor, 111, Cannon Row, London, EC1A 3DF
Tel: 020 7493 4000
www.gbcgroup.co.uk

Site Name: ELIZABETH GARDENS SW

SUR Cell ID: HRW13036

Address: ELIZABETH GARDENS
STANMORE
HARROW
LONDON
HA7 4TE


Site: 002 SITE LOCATION PLAN

Plan: H3G UNILATERAL SW


Purpose of Issue: **PLANNING**

Scale: -

Drawing No: HRW13036_PLANNING_REV_A Sheet A

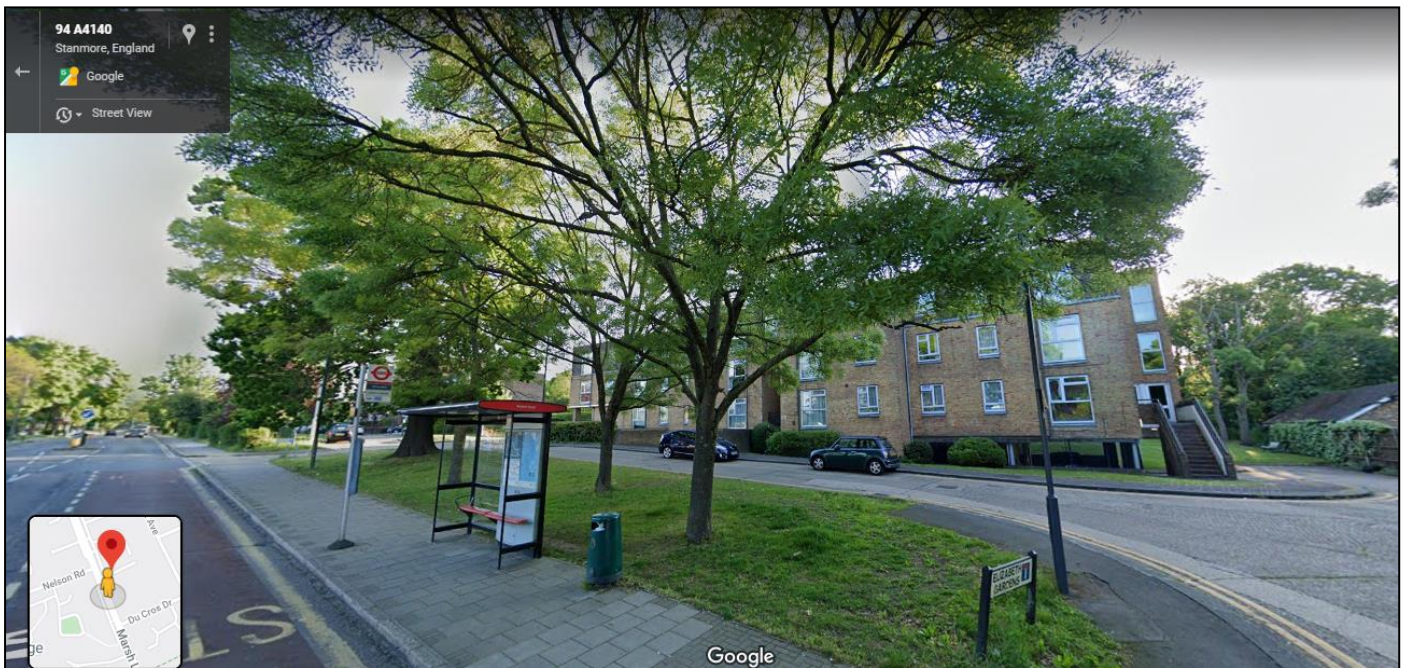


SITE PHOTOGRAPH



GOOGLE MAPS QR CODE
GOOGLE MAPS - <https://goo.gl/maps/UNW9mLkc1NzYx1o47>
STREETVIEW - <https://goo.gl/maps/b7enXxxB8mwuFsEi6>

APPENDIX 3: SITE PHOTOS

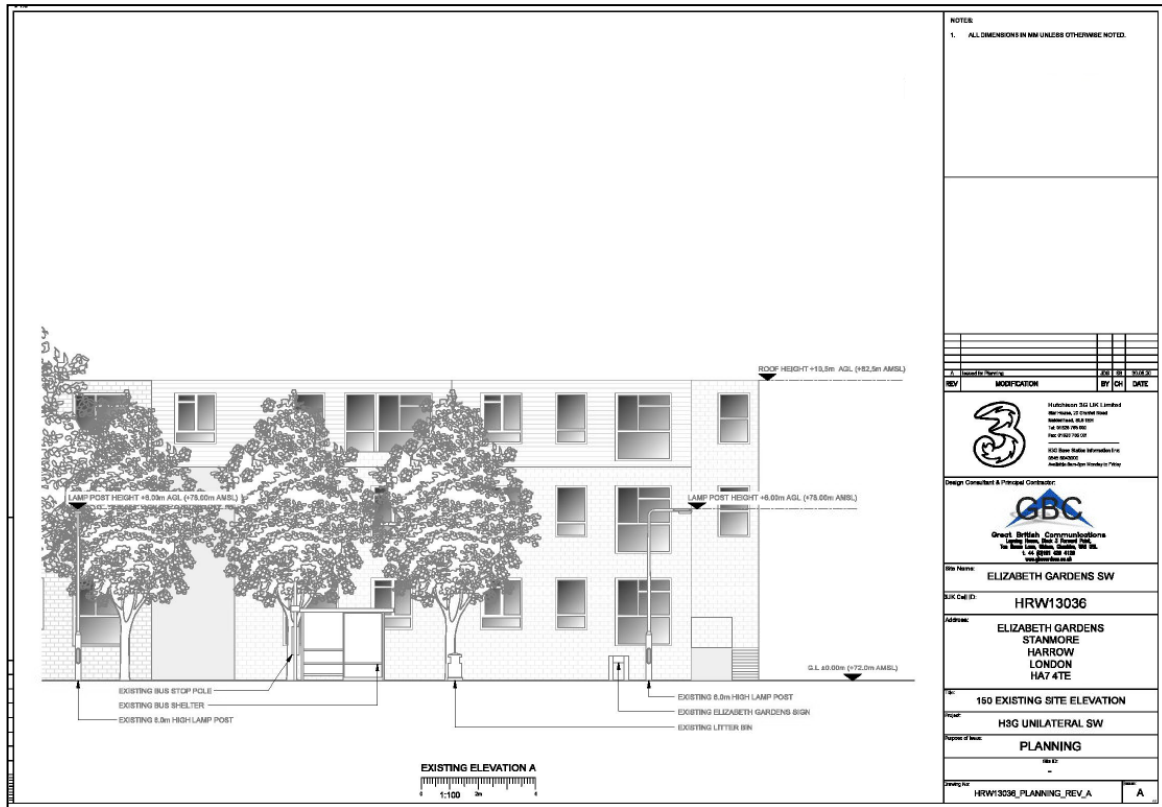


Street View Imagery Application Site (Dated May 2019)



Street View Imagery Application Site (Dated April 2018)

APPENDIX 4: PLANS AND ELEVATIONS



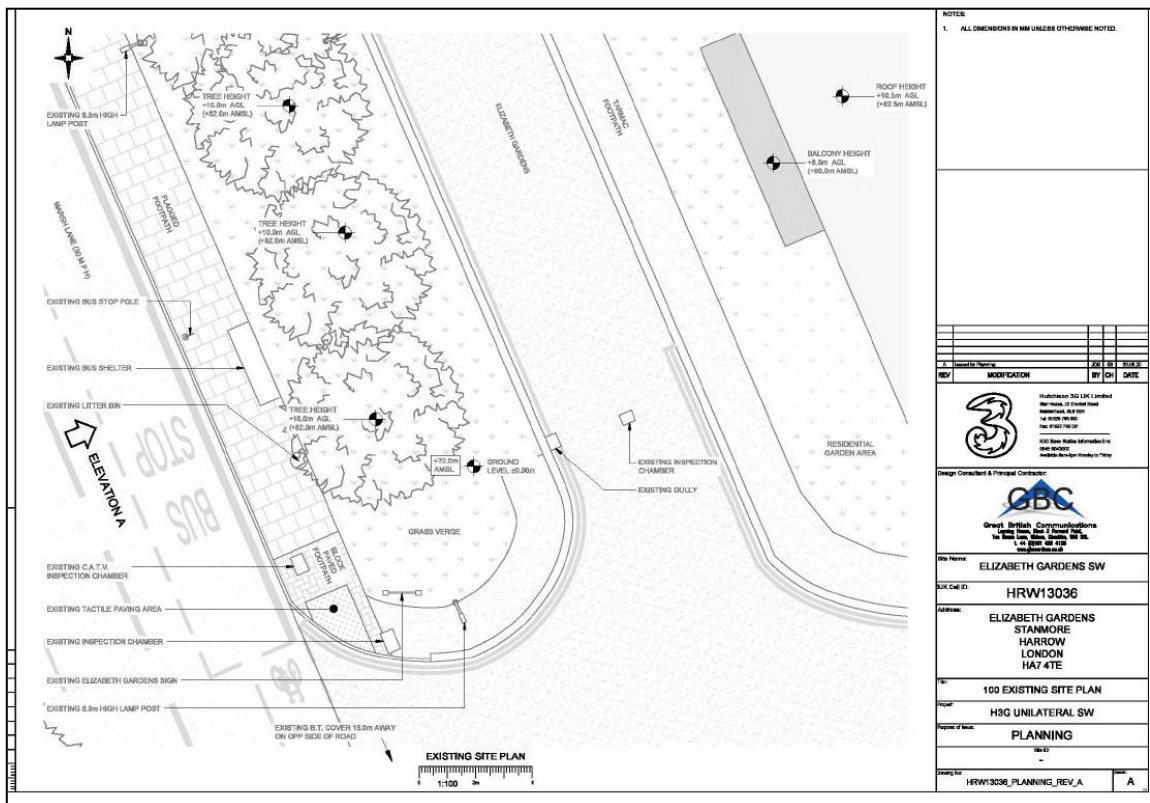
NOTES
1. ALL DIMENSIONS IN MM UNLESS OTHERWISE NOTED.

REV	DESCRIPTION	BY	CHK	DATE
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Hatchedwood 302 Ltd Limited
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 100 New Station Way, Wokingham, RG40 3AB
 01359 443333
 www.hatchedwood.co.uk

Great British Communications
 14, 15 & 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
 100 New Station Way, Wokingham, RG40 3AB
 01359 443333
 www.greatbritishcommunications.co.uk

Site Name: ELIZABETH GARDENS SW
 SJK Cell ID: HRW13036
 Address: ELIZABETH GARDENS STANMORE HARROW LONDON HA7 4TE
 150 EXISTING SITE ELEVATION
 Floor: H3G UNILATERAL SW
 Name of Issue: PLANNING
 Date: 11/09/2020
 Drawing No: HRW13036_PLANNING_REV_A



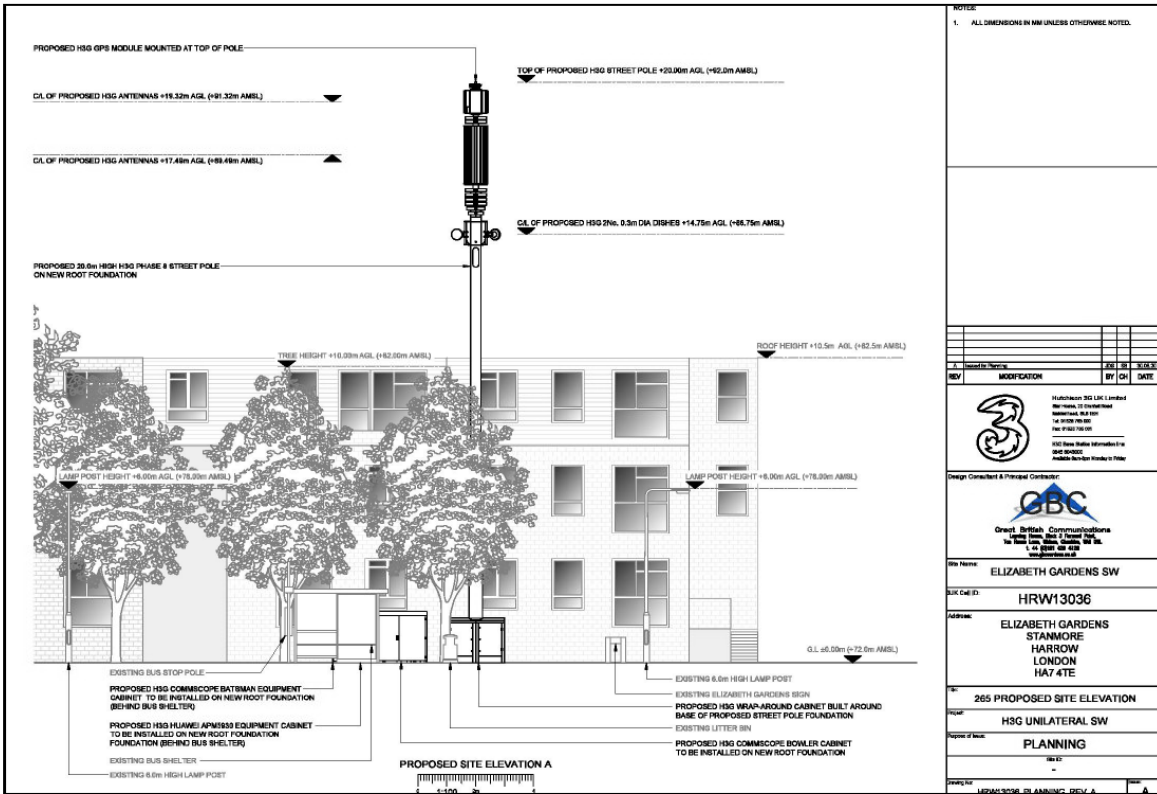
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REV	DESCRIPTION	BY	CHK	DATE
3	MODIFICATION			

Hatchedwood 302 Ltd Limited
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 100 New Station Way, Wokingham, RG40 3AB
 01359 443333
 www.hatchedwood.co.uk

Great British Communications
 14, 15 & 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
 100 New Station Way, Wokingham, RG40 3AB
 01359 443333
 www.greatbritishcommunications.co.uk

Site Name: ELIZABETH GARDENS SW
 SJK Cell ID: HRW13036
 Address: ELIZABETH GARDENS STANMORE HARROW LONDON HA7 4TE
 100 EXISTING SITE PLAN
 Floor: H3G UNILATERAL SW
 Name of Issue: PLANNING
 Date: 11/09/2020
 Drawing No: HRW13036_PLANNING_REV_A

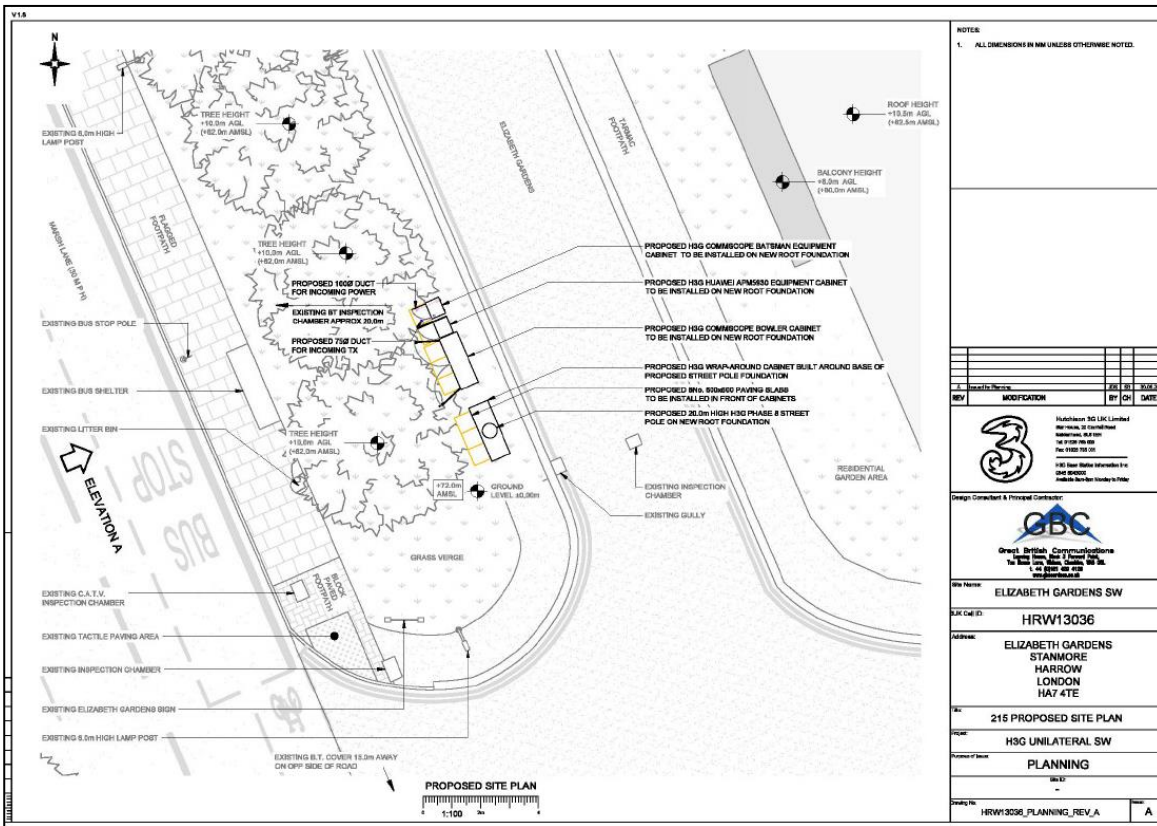


NOTES:
1. ALL DIMENSIONS IN MM UNLESS OTHERWISE NOTED.

REV	DESCRIPTION	BY	CHK	DATE
1	ISSUED FOR TENDERS			
2	MODIFICATION			

Design Consultant & Principal Contractor:

 Site Name: ELIZABETH GARDENS SW
 B/LK Cell ID: HRW13036
 Address: ELIZABETH GARDENS STANMORE HARROW LONDON HA7 4TE
 No: 265 PROPOSED SITE ELEVATION
 Project: H3G UNILATERAL SW
 Nature of Work: PLANNING
 Date: -
 Drawing No: HRW13036_PLANNING_REV_A



NOTES:
1. ALL DIMENSIONS IN MM UNLESS OTHERWISE NOTED.

REV	DESCRIPTION	BY	CHK	DATE
1	ISSUED FOR TENDERS			
2	MODIFICATION			

Design Consultant & Principal Contractor:

 Site Name: ELIZABETH GARDENS SW
 B/LK Cell ID: HRW13036
 Address: ELIZABETH GARDENS STANMORE HARROW LONDON HA7 4TE
 No: 215 PROPOSED SITE PLAN
 Project: H3G UNILATERAL SW
 Nature of Work: PLANNING
 Date: -
 Drawing No: HRW13036_PLANNING_REV_A

APPENDIX 5: APPEAL DECISIONS



The Planning Inspectorate

Appeal Decision

Site visit made on 18 February 2020

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State.

Decision date: Tuesday, 31 March 2020

Appeal Ref: APP/M5450/W/19/3242580

Highway verge, Uxbridge Road, Harrow Weald, Harrow, HA3 6SS.

- 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 MBNL (EE UK Ltd and HG3 UK Ltd) against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3174/19, dated 16 July 2019, was refused by notice dated 10 September 2019.
 - The development proposed is the installation of a 20m monopole, 12 no antenna apertures, equipment cabinets, the removal of the existing 11.7m monopole, 3no antennas, redundant equipment cabinets and development ancillary thereto.
-

Decision

1. The appeal is allowed, and planning permission granted for the installation of a 20m monopole, 12 no antenna apertures, equipment cabinets, the removal of the existing 11.7m monopole, 3 no antennas, redundant equipment cabinets and development ancillary thereto at the highway verge, Uxbridge Road, Harrow Weald, Harrow, HA3 6SS, in accordance with planning application P/3174/19, dated 16 July 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be completed in accordance with details supplied with the application: declaration of conformity with ICNIRP dated 2019/07/12; supplementary information dated 16 July 2019; covering letter dated 12 June 2019; Plan No 002 Site Location Plan, issue C; Plan No 100 Existing Site Plan, issue C; Plan No 150 Existing Elevation, issue C; Plan No 215 Max Configuration Site Plan, issue C; Plan No 265 Max Configuration Elevation, issue C.
 - 3) The electronic communications apparatus provided in accordance with this permission shall be removed from the land upon which it is situated as soon as reasonably practical after it is no longer required for electronic communications purposes.
 - 4) The land upon which the electronic communications apparatus is sited shall be restored to its condition before the development took place once the apparatus has been removed from the site.

Main Issues

2. The effect of the proposed mast on the character and appearance of the area.

<https://www.gov.uk/planning-inspectorate>

Reasons

3. Policy DM49 of the Harrow Development Management Policies Local Plan (HDMPLP) (2013) seeks, amongst other things, to ensure that the installation of new telecommunications equipment minimises its impact on the character and appearance of the area within which it is located.
4. The National Planning Policy Framework (the Framework) recognises the importance of the establishment of high quality and reliable communications infrastructure, such as 5G, as being essential to economic growth and social wellbeing. Where new equipment is required the Framework requires that it is sympathetically designed and camouflaged where appropriate.
5. The appellant has argued that the new mast is required in order to facilitate the roll out of the 5G network and they have investigated alternative sites for the propose mast. The proposal is also a mast share between two operators.
6. The site lies at the side of a busy dual carriageway road with a wide central reservation which has mature tree cover. Some of the mature trees are tall and so would help to mitigate the impact of the mast. The dual carriageway also has tall, prominent lamp posts along its route, together with the existing 11.7m high mast. Whilst the new mast would be clearly visible from several vantage points, it is still a slim structure, it would be read against the backdrop of existing, tall mature trees, prominent lamp posts and a busy road with fast moving traffic. Whilst a degree of visual impact is inevitable due to the increase in scale of the proposed mast, it is nevertheless the minimum height and girth capable of providing the improved services and introducing 5G technologies to the area, whilst also satisfying ICNIRP standards. It is also set away from the residential development to the side of the main road, on a wide grass verge which is backed by trees and vegetation.
7. I find that the impact of the proposed mast on the character and appearance of the area, despite its height, will be low. I base this opinion on the siting of the proposed mast to the side of a busy dual carriageway road away from houses, the presence of tall lamp posts along the road, tall mature trees and the presence of an existing mast in the vicinity of the proposed mast site. I am therefore of the view that the proposal accords with the Policies of the development plan, the HDMPLP, as its siting minimises its effect on the character and appearance of the area within which it is located. I also give weight to the fact that this is a proposed mast share between two operators. I have also taken account of the appellant's attempts to find a suitable alternative site and the advice given in the Framework concerning the siting of telecommunications masts and find that these also add weight to my decision.

Conditions

8. In addition to the standard time limit and a condition referencing the approved plans – for the avoidance of doubt – there needs to be conditions that ensure the communications apparatus is removed once it is no longer needed. In addition, a condition is needed to ensure that the highway verge is restored once the apparatus is removed. These conditions are necessary in order to protect the character and appearance of the area in the future.

Conclusion

9. I find that having regard to all matters before me, including the policies of the development plan, when taken as a whole, that the appeal should be allowed, and planning permission granted.

Peter Mark Sturgess

INSPECTOR



Appeal Decision

Site visit made on 9 June 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st July 2020

Appeal Ref: APP/M5450/W/20/3245964

Land adjacent to 354 High Road, Harrow Weald, Harrow, London HA3 6HF

- 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 MBNL against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/2694/19, dated 7 June 2019, was refused by notice dated 9 August 2019.
 - The development proposed is described as, "the removal and replacement of the existing 15m monopole, with a 20m monopole, 12 no. apertures, equipment cabinets, the removal of the existing 15m monopole, 3 no. antennas, redundant equipment cabinets and development ancillary thereto."
-

Decision

1. The appeal is allowed and planning permission granted for the removal and replacement of the existing 15m monopole, with a 20m monopole, 12 no. apertures, equipment cabinets, the removal of the existing 15m monopole, 3 no. antennas, redundant equipment cabinets and development ancillary thereto at Land adjacent to 354 High Road, Harrow Weald, Harrow, London HA3 6HF, in accordance with the terms of application Ref P/2694/19, dated 7 June 2019, subject the following 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: 002 Site Location Plan; 100 Existing Site Plan; 150 Existing Elevation A; 215 Max Configuration Site Plan; 265 Max Configuration Elevation; HRW022/PM/01 Photomontage 01 HRW022/PM/02 Photomontage 02 HRW022/PM/03 Photomontage 03 HRW022/PM/04 Photomontage 04.

Procedural Matter

2. As part of the appeal process the appellant submitted additional background information and plans¹ to provide further details in support of the proposal to address the reason for refusal.

¹ Connected Growth - A manual for places working to boost their digital, cultural and social connectivity - Department for Digital, Culture, Media and Sport (2019); Councils and Connectivity: How local government can help to build mobile Britain - Mobile UK (2018); and Photomontages (HRW022/PM/01 Photomontage 01; HRW022/PM/02 Photomontage 02; HRW022/PM/03 Photomontage 03; and HRW022/PM/04 Photomontage 04).

3. To avoid the risk of prejudicing interested parties it would only be appropriate for me to take the documents and plans into account if all interested parties had been given an opportunity of making further representations. The additional documents and plans were submitted with the appeal and interested parties would have been notified of the appeal. Whilst, the Council has not provided a response to the documents and plans, it is clear that they have had a chance to consider the information. Furthermore, the additional information does not materially alter the proposed scheme. Having regard to the Wheatcroft principles² and guidance³, I am satisfied that there is no risk of prejudice if I was to take the additional plans and documentation into account. I have, therefore, determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the site and the surrounding area.

Reasons

5. The site is located on a pedestrian footpath, on the east side of High Road and is located next to the parking area of the adjacent supermarket. Opposite the site there is a bus depot and a recreation ground. The surrounding area is characterised by a mixture of uses such as a takeaway restaurant, memorial club, retail premises and residential properties. On the footpath there is currently 2 telecommunication masts and associated equipment cabinets positioned alongside them. There are a number of other existing tall features and various items of street furniture in the local area such as street lighting, mature trees, business and road signage, litter bins, flag poles and covered bus stops.
6. The proposal is to replace the existing 15m high monopole with a 20m high monopole and associated ancillary equipment. The appellants states that the proposed upgrade of the site would allow for additional coverage and capacity requirements to incorporate 5G technology. The appellant states that the new mast is not able to share the existing pole, therefore, it is necessary to install a new monopole. The supporting documents state that the increased height of the replacement mast is necessary to accommodate and support the 5G antenna and other apparatus, and to avoid any interference.
7. There are already monopoles in this area, and the proposed mast would be seen in the context of this, and the other surrounding apparatus and street furniture, such as the street lighting. Whilst I note that the proposed monopole would be higher than the existing monopole and would have a wider circumference at the top, the majority of the monopole would be relatively slim, and similar in design to the existing monopole. The proposal would fit in well within the existing urban and commercial context and would not appear incongruous or out of place in this environment.
8. I note that there is no large screening immediately adjacent to the existing site, and that the existing monopoles are clearly visible. In terms of wider views, the proposal would be higher than some of the trees located in the recreation ground opposite the site. However, it would not be significantly different from the views already experienced in the area. Despite the increase

² Bernard Wheatcroft Ltd vs. Secretary of State for the Environment [JPL 1982]

³ 'Procedural Guide Planning Appeals – England'

in height, the mature trees in the open space would still help to screen elements of the proposal and break up some of the wider views towards the site from the recreation ground.

9. In terms of the cabinets, there are already cabinets in this area, along with various other items of street furniture. The proposed cabinets would be located towards the rear of the footpath and would be positioned close to each other in a linear arrangement. They would not appear visually intrusive or incongruous within the wider street scene or be out of character with the surrounding environment.
10. Accordingly, the proposed development would not harm the character and appearance of the site and the surrounding area. Therefore, it would accord with Policy DM49 of the Harrow Development Management Policies Local Plan (2013). This policy, amongst other things, supports telecommunication equipment where the siting and design of the installation would minimise its impact upon the amenity of neighbouring occupiers, the host building (where relevant) and the appearance and character of the area and there would be no unacceptable impact upon areas of designated open space.

Conclusion

11. For the reasons set out above, I conclude that the appeal is allowed.

D Peppitt

INSPECTOR

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