

Officer Report

Application Number:	HGY/2023/1711
Application Type:	Prior notification: Development by telecoms operators
Address:	Shepherds Hill Garden, Shepherds Hill, N6 5RR
Proposal:	Proposed 15.0m phase 8 street works monopole, 2no. equipment cabinets with associated meter cabinet, and ancillary development thereto.
Case Officer:	Kwaku Bossman-Gyamera
Valid Date:	28/06/2023
Applicant:	Three UK
Agent:	Keava Campbell

RECOMMENDATION

Refuse

1. SUMMARY OF RECOMMENDATION

PRIOR APPROVAL IS REQUIRED AND REFUSED

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

2.1 This is a prior notification application for the installation of a monopole mast with antennae and for the installation of three ancillary cabinets. The overall height of the mast with antennae/apertures would be 15m high from ground level. The monopole would be a steel structure and headframe with a grey finish. The antennae/apertures would be made of composite materials and electrical components.

2.2 The cabinets would be constructed of steel and would have a green finish. They would contain doors which would open towards onto the public footpath and would be set upon a new concrete base.

Site and Surroundings

2.3 The application site is located on the footpath (pavement) immediately adjacent to the green verge along Shepherds Hill Gardens (Highgate Heights) directly opposite no.64 Shepherds Hill (block of flats). The application site is surrounded by mixture of residential properties and open space. Residential properties are located along Shepherds Hills and opposite side of the application site.

2.4 The application site is located within Crouch End Conservation Area. It does not fall within the curtilage of a listed building.

Relevant Planning and Enforcement history

2.5 There is no relevant recent planning history in relation to the site.

3. CONSULTATION RESPONSE

3.1 The responses below were received following consultation on the application:

Internal:

- 1) LBH Transportation Team: There are no Transport objections to this application.
- 2) LBH Park Zonal Manager - has raised some concerns with regards to accessibility of the pavement that leads onto the site, as the installation of the cabinets appears to reduce the width of the pavement.
- 3) LBH Nature Conservation Officer - No objection subject to conditions to protect species assessment.

4. LOCAL REPRESENTATIONS

4.1 The application has been publicised by way of 1 site notice displayed in the vicinity of the site and 142 letters. The number of representations received from neighbours, local groups, in response to notification and publicity of the application were as follows:

No of individual responses: 67

Objecting: 60

Supporting: 7

4.2 The following local groups/societies made representations:

- Highgate Society objects proposal on the grounds that the mast and associated cabinets located on the pavement in an aesthetically pleasing open park area, they are an intrusive feature that will create visual and physical obstruction to the street scene and all surrounding views as well as a continuous noise nuisance in a parkland area. They are out of scale within their immediate setting and detracting from the local character of the Conservation area.

4.3 The following issues were raised in representations that are material to the determination of the application and are summarised and addressed in the next section of this report:

Objections

- Object to such a monstrously tall ugly monopole and its associated ground cabinets that will create visual and physical obtrusive clutter, continuous noise from the cabinets, dominate and degrade the aesthetic of the local area.
- Proposal is an industrialising feaster in a beautiful and historic residential landscape. It would be out of place, obtrusive, over-dominating, and would degrade the character and appearance of the neighbourhood.

- Objects to the proposal on the grounds that this section of Highgate Height is a unique and popular beauty spot where locals (and tourists) visit so that they can be emersed in nature. The proposed position of the mast would loom over a lovely green space where people visit to walk, relax and picnic, and where children play in the playground.
- Proposed positioning of the mast would be on a busy pavement near the entrance/exit in and out of the park, it could be obstructive to pedestrians coming from various directions, especially with pushchairs, dogs on leads etc.
- The proposed location for the mast is within the conservation area and goes against the policy that determines the protection of the character of the conservation area. Hence, the presence of a 15m mast will severely impact the character of the area including the houses next to the mast.
- The 15m mast and associated cabinets will create an eyesore in an otherwise serene area used regularly by locals. Shepherds Hill Gardens currently has a beautiful aspect, the mast will intrude on the otherwise green, leafy environment, protruding above the tree line. This contravenes policy in place to protect the character of the conservation area.
- Significant adverse impact on the visual amenity of neighbouring residents, particularly in Highgate Heights where from the mast will be easily visible from residential windows, where currently the outlook is dominated by green leafy tree cover.
- The impact of wireless EMF radiation that the locals to Shepherds hill gardens will be exposed to will be somewhat harmful. 5G roll out is being band in other countries. We the people oppose to 5G EMF radiation now & in the future.
- 5G has not been tested for its effects on public health or the ecosystem. There is increasing evidence from scientists to show harm to health. we are concerned about the impact this installation would have on our health and especially on our four children's health. The impact of this mast on local residents must be taken into account given the proximity to those residing at Highgate Heights, a mere 25metres away. This is clearly a material planning consideration.
- By reducing the attractiveness of the park, it is likely that fewer people will use it, and so increase the likelihood that it will be used for unsociable purposes, detrimental to the local area, potentially leading to an increase in crime.
- The installation of a mast and associated cabinets would further clutter the local environment thereby having an extremely detrimental impact on the enjoyment of the many people who currently appreciate and use the precious green space of Shepherds Hill Gardens.
- The mast will be higher than the existing tree cover, and ruin views up from the Metropolitan Open Land (MOL) at this point. The mast will be significantly visible from living rooms in Highgate Heights, a building that rises to 18m at the highest point with residences, creating an overbearing impression and affecting the amenity of residents in flats that currently benefit from a view of mature trees.
- This unsightly and overbearing development would be completely inappropriate for the green, pleasant frontage of a much-loved local amenity. Shepherds Hill Gardens - a haven of tranquillity and popular with parents and children, dog walkers, and people who just want to admire the iconic view of Alexander Palace - none of whom want to be greeted by a towering monstrosity such as is being proposed for this location.
- Proposal has the potential to disrupt wildlife. It will have an impact on both floor and fauna and contravenes Harringay's stance on the importance of green conservation.

- Our property is directly opposite and overlooks the green open spaces of CREOS and uninterrupted views of Alexandra Palace. As we are in a Conservation Area, I'm presuming this application goes against these protocols and Haringey's Heritage Charter.
- Object as this is very close to the park entrance gate and therefore is a busy bit of pavement used by families. It could mean people end up stepping onto the road.
- The proposed mast would be out of character with the area and would be an overbearing eyesore particularly for those living nearby. In my view it is important to preserve and protect any natural green space in such a built-up area.
- Impact on the conservation area and inappropriate location. We are in a conservation area created to keep continuity and respect the surroundings we are lucky enough to reside in, the park and palace are well used and loved with The Avenue having a great view of the Palace and park as you drive up it. What we don't need is a great view of a 15-metre mast and metal cabinets on the street as the government states that their visual impact on the surrounding area is minimised, this would be very hard to miss!
- More appropriate alternative sites should be considered.
- The area is totally unsuitable for such an installation. It is a green piece of land which has been undisturbed for many years and should remain this way. The ecosystem that has developed is fragile and is bounded by two very busy roads. Digging it up and placing poles and wrap-around cabinets etc. etc. on our green patch
- The visual effect of these masts being everywhere - and they will be everywhere if we set the precedent of approving this one in this location would affect my enjoyment of the open green spaces in my local area, on which I depend for my wellbeing.

Supports

- Understand the need for this mast but would ask if it is possible to install a green mast so that it blends in better with the surrounding green space.
- It would improve mobile data signal, connectivity and having access to 5G in the area and bring better coverage to an area of London which is patchy.
- Happy for it to be near me. Much needed investment in the area making communication better for business and residents.

4.4 The following issues raised are not material planning considerations:

- Health implication (Officer Comment:) The application was accompanied by the required ICNIRP Certificate, which satisfied the requirements as laid down by the NPPF. Health considerations and public concern, including perceived fear of health risks can in principle be considerations in determining applications for planning permission. However, it is for the decision maker (generally the local planning authority) to determine the weight to be afforded to such considerations in any particular case. In the Government's view, if the development meets the ICNIRP guideline for public exposure, it should not be necessary for a local planning authority, in processing planning application, to further consider health aspects and concerns. The applicant, in this case, has confirmed that the proposed installation would comply with the relevant ICNIRP guidelines, and a Certificate has been provided to this effect.

5. MATERIAL PLANNING CONSIDERATIONS

Principle of development

5.1 The proposal is permitted development under Class A, Part 16 of the General Permitted Development Order (as amended) and does not therefore require planning permission.

5.2 The 56-day notification procedure requires the Local Planning Authority to determine (a) whether prior approval of the siting and appearance of the proposed development is required and, if so, (b) to notify the applicant giving or refusing such approval. Therefore, the principal issues in this case are considered to be:

- 1) Whether prior approval of siting and appearance is required; and, if so
- 2) Whether the details of the siting and appearance are acceptable, having regards to the relevant development plan policies and the National Planning Policy Framework (NPPF) relate to the installation of telecommunications equipment.

5.3 Within the general policy framework of facilitating the growth of new and existing telecommunications systems, Paragraphs 113 of NPPF advises that the use of existing masts, buildings and other structure for new electronic communications capability (including wireless) should be encouraged. Where new sites are required for installation - the need for a new site should be justified and equipment should be sympathetically designed and camouflaged where appropriate.

Siting and appearance

5.4 In relation to Telecommunications Equipment Policy DM3(d) sets out that proposals for the installation of telecommunications equipment will be permitted where:

- a. It is demonstrated the equipment is limited to the minimum operational equipment, which should include any future-proofing requirements to accommodate anticipated improvements in infrastructure.
- b. Opportunities for sharing facilities, such as masts, cabinet boxes and satellite dishes, and erecting antennae on existing buildings or other structures has been fully explored and taken advantage of.
- c. There is no significant adverse impact on the visual amenity of neighbouring occupiers.
- d. There is no adverse effect on the external appearance of the building, street scene, or spaces in which they are located.
- e. The size of any equipment visible from the street is minimised (including satellite dishes, other domestic equipment and any supporting structures).
- f. They are located discretely and do not detract from the special character and appearance of heritage assets or conservation area (see Policy DM9).
- g. They are appropriately designed, coloured and landscaped. For dishes, this may include installing a mesh or transparent structure.
- h. A minimum residual footway width on main pedestrian roads is preserved, in line with the Manual for Streets."

5.5 The applicant has set out in their supporting statement that full consideration has been given to alternative sites and other existing masts in the vicinity. However, the proposed location and design are considered to provide the optimum solution in this instance, the new sites will enhance the coverage of the 5G technologies providing enhanced coverage to the public. Other factors that have influenced the site selection process include – this is location, existing mast sites area not capable of supporting additional equipment compliment to extend coverage reach across the target area and prospective in-fill mast sites are extremely limited.

5.6 Proposal located on public footpath behind playground at the edge of the Shepherds Hill Gardens. The area is predominantly residential, comprised primary of two – three storey buildings and four-storey blocks of flats. Due to its position and trees, the area has an open, spacious and verdant character. The open space therefore contributes positively to the character of the area. The installation of 15m high mast with associated ancillary equipment, including ground level cabinets. While The Local Planning Authority appreciate the proposed mast must be taller than other objects in the vicinity in order to operate efficiently, the large size and utilitarian appearance of the proposed equipment would appear out of scale and overly prominent within its immediate residential setting.

5.7 The surrounding area is wholly residential in character and the proposed mast would be in a prominent position, which can be seen from all parts of the surrounding properties and would therefore dominate the streetscape. Given the location of the mast on a prominent position and its height, the proposed mast would appear considerably higher than other existing street furniture's within the immediate surroundings and would appear as an incongruous feature in the street scene. The proposed siting of the mast against the open back drop and green edge of the park means that it would appear unduly prominent on the skyline, affecting views into and out of the park and harming its historic setting.

5.8 The trees on the verge would offer some screening and natural backdrop and would be coloured green in an attempt to camouflage the mast where possible. However, this would likely depend on the time of year and would not sufficiently reduce the visual impact of the mast given its size. Additionally, any visual mitigation offered by nearby vegetation will be significantly reduced once trees have dropped their leaves in winter.

5.9 The mast would be clearly seen against the skyline and would represent an intrusive and unduly prominent feature. With such a setting, it is considered that the mast would appear unsympathetic and intrusive to character of the area, notwithstanding its relatively slim appearance. The proposed mast would have a height of 15 metres and would be clearly visible amongst and above nearby trees. It would appear particularly stark in winter when the nearby deciduous trees are bear of leaves. As such it would appear unduly prominent and out of place in this location.

5.10 Proposal would rise above the height of the trees in views from all angles and approach looking towards the site from all the surrounding roads. From these directions, the mast would stand out as a visible or discordant feature. The proposal would result as an isolated and uncharacteristically high feature that fails to blend into the landscape or street scene.

5.11 The proposed mast would appear considerably higher than existing lampposts and would appear as a utilitarian and incongruous feature within the open space. The proposed siting and design of the cabinets, which would expand the area, over which they are placed, is considered to add undue clutter to the street and harm the visual character of the area. The proposed mast and associated cabinets would be located at edge of the footway along The Avenue. The proposed location on the footway would retain a clear pavement width sufficient to allow for the free movement of pedestrians. However, the area is which the proposed installation would be situated

is very open, with a street furniture (lamp post). The proposed installations would add additional clutter, and as it has no real design merit, would be detrimental to the appearance of the street scene and the pavement.

5.12 Overall, it is considered that the proposed installation would have an unacceptable visual impact on the street scene. Its excessive height, bulk and design in this location would be clearly visible and the mast would appear as an incongruous addition within the surrounding area. Alternative, site should be thoroughly investigated before a street works installation of this scale proposed in this location can be considered.

5.13 The height of the mast at 15m would still makes it readily visible and overbearing from front windows of the surrounding properties. This provides for visual intrusiveness since, the proposed mast and its appendages are most dominant and disharmonious focal point for distraction from the residential properties contrary to the thrust of the council's adopted policy DM3 of the Development Management DPD.

5.14 Whilst the operational need for the mast is noted, this need is considered to be outweighed by the visual harm of the mast particularly when alternative options and mast sharing have not been considered. The application has outlined alternative sites that were considered but discounted for a variety of reasons. While Local Planning Authority (LPA) have some background on these sites, there is little substantive information in this regard. This is especially pertinent as to whether alternative locations would be as prominent or harmful. There are several nearby buildings within the vicinity of the site where these installations can easily be accommodated. The Framework states that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. In this case, such evidence is lacking as it pertains to alternative sites.

5.15 Whilst the benefits of providing improved infrastructure for the telecommunications network have been taken into account and acknowledged, they are not considered to outweigh the visual harm that of this proposal would cause to the character and appearance of the conservation area, residents of the surrounding residential properties and the wider community. Given all the above, the proposal would significantly harm the character and appearance of the conservation area and is contrary to relevant policies the Local Plan (2017) and advice contained in the NPPF.

6. CONCLUSION

6.1 The proposed development, by reason of its siting, appearance, size, scale and prominent location, would be visually intrusive, resulting in an incongruous and obtrusive form of development, adding to clutter on the open area and would appear out of keeping with the character of the surrounding street scene and would have a detrimental impact on local visual amenity and on the character and appearance of the wider Crouch End Conservation Area. The proposal would therefore be contrary to adopted Policies DM1, DM3 and DM9 of the Development Management, Development Plan Document (2017), and Policies SP11 and SP12 of the Haringey Local Plan (2017) and as such Policies HC1 and SI 6 of the adopted London Plan 2021 and as such prior approval is required and refused.

7. RECOMMENDATION

PRIOR APPROVAL IS REQUIRED AND REFUSED

Refusal Reasons:

The proposed development, by reason of its siting, appearance, size, scale and prominent location, would be visually intrusive, resulting in an incongruous and obtrusive form of development, adding to clutter on the open area and would appear out of keeping with the character of the surrounding street scene and would have a detrimental impact on local visual amenity and on the character and appearance of the wider Crouch End Conservation Area. The proposal would therefore be contrary to adopted Policies DM1, DM3 and DM9 of the Development Management, Development Plan Document (2017), and Policies SP11 and SP12 of the Haringey Local Plan (2017) and as such Policies HC1 and SI 6 of the adopted London Plan 2021 and as such prior approval is required and refused.