



Officer Report

Application Number:	HGY/2023/2438
Application Type:	Full planning permission
Address:	Hilldene Court, 11 Alexandra Park Road, Hornsey, London, N10 2DB
Proposal:	The installation of 4No. antenna apertures, 4No. 600mm diameter transmission dishes along with 4no. equipment cabinets at roof level, 1no. meter cabinet at ground level and ancillary development thereto.
Case Officer:	Kwaku Bossman-Gyamera
Valid Date:	11/09/2023
Applicant:	MBNL (EE Ltd and H3G Ltd)
Agent:	Miss Holly Hinks

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

1.1 Planning permission is sought for the installation of telecommunications equipment on the rooftop of Hilldene Court consisting of 4No. antenna apertures, 4No. 600mm diameter transmission dishes along with 4no. equipment cabinets at roof level, 1no. meter cabinet at ground level and ancillary development thereto.

Site and Surroundings

1.2 The application site is location on the rooftop of Hilldene Court, a four-storey residential building, located on the corner of Alexandra Park Road and Muswell Avenue, in the Muswell Hill area. The host building is 10.8 metres to the main roof height with the top of the plantroom being 12.8 metres. The building does not any host to telecoms equipment, except tv aerals which are located around the flat roof and plantroom in the centre of the roof. The surrounding area is mainly residential in character.

1.3 The site falls within Muswell Hill Conservation Area.

Relevant Planning and Enforcement history

1.4 The most recent planning history in relation to the site is as follows.

- HGY/2001/1771 – Granted 05/02/2002 - Replacement of existing single glazed windows with an aluminium double-glazed units on existing block of flats.

2. CONSULTATION RESPONSE

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

Internal:

1) LBH Transportation Team: No objection as the proposed installations is on a rooftop, they are very unlikely to have any impact on transport networks once fully operation.

3. LOCAL REPRESENTATIONS

5.1 The application has been publicised by way of 1 site notice displayed in the vicinity of the site and 278 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: 67

Supporting: 0

5.2 The following Councillor(s) made representations:

- Cllr Rossetti has called in the application to be determined by Planning Committee if officer is minded to approved.

- Cllr Alessandra Rossetti objects to the proposal on the following grounds – the installation of would be overbearing and out of character in the conservation area, visible from far, and can-not rely on existing trees to shield some of the views. Concerns raised with regards to radiation. The installation and management of the equipment will be too disruptive to the residents, yet there is no mention and no mitigation.

5.3 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

- The construction of the antennas and ongoing maintenance will cause significant disturbance to the residents in Muswell Avenue North, which is a no-through road. Many of us have moved from busier roads in order to benefit from the quieter road.
- The size of the antennas are out of character with the surrounding area, which is a conservation area. It seems illogical to pick a historic, conservation area for this bulky, tall structure. There must be better options.
- The planning application was submitted without any meaningful consultation with the local community.
- It will adversely affect the value of properties nearby. Haringey Council will benefit from rental income from the mobile phone company while homeowners near Hilddene Court will suffer financial loss.
- The size of the planned installation at almost 5m high is completely disproportionate to the size of the building and its location in a conservation area. It will be insufficiently screened, an eyesore to all in the vicinity (which will negatively impact the local community) and very much out of keeping with its surroundings.
- There is also insufficient evidence currently to conclude that there is no health risk to nearby residents when these types of equipment are located in residential areas. What is expressly clear is that there is much uncertainty surrounding the safety of 5G masts.
- Objects to having telecom poles to be erect as is will be a health hazard in the long term.
- The equipment on Hilddene will be easily visible from the public domain. From the drawings it looks like Hilddene Court is about to become something from the space age. This site is in the Muswell Hill Conservation Area and as such needs particular scrutiny from the Planning Department. The character and appearance have to be preserved or enhanced.
- There are viable alternatives, which should be seriously considered, that are not in the Muswell Hill Conservation Area. It would be more appropriate to find a site outside the conservation area, for example some of the larger buildings on Colney Hatch Lane such as Chester House, the Shell garage, Carisbrook flats or Cedar Court.

- The planned antennae are up to 5 metres in height which would make the corner of this conservation area highly industrial in nature and would create an overbearing structure in relation to the neighbouring buildings.
- This is a designated conservation area and the proposal to erect these large, ugly masts in a highly visible location is a complete contradiction of Haringey's stated approach that a proposal that alters the character of a building or damages the character of the [conservation] area as a whole should not be permitted.
- Objects to the scale of this antenna on top of Hilddene Court. As the building is on the top of a hill and the mast will be on top of the building, the impact will be much greater than another building further down Alexandra Park Road and will have an overbearing impact on the surrounding conservation area.
- The proposed equipment would be extremely prominent (almost 5m high) and disproportionate to the height of the four storey, low ceilinged building it is proposed to be installed on.
- The proposed development, due to the design, size scale and location would be entirely out of character with the Muswell Hill Conservation Area, and in particular the surrounding sub area which has a consistent architectural style of two-storey Edwardian houses. Cellular antennas are not in character with the buildings in the entirely residential area, and the 5m high antennas would visually totally dominate, strongly detracting from its attractiveness and character.
- No sufficient public interest: Whilst the application notes the public interest in having good cellular service, it fails to acknowledge that the area already has good coverage from other operators (O2 and Vodafone), and thus that the proposed application is not necessary to ensure the general availability of mobile communication in the area (as opposed to simply improve network coverage for the applying operators).
- Muswell Avenue as singular access route to Hilddene Court is not suitable for large vehicles, which will be required for the installation, maintenance and further replacements. Muswell Avenue is no thorough fare, all residents can only access and exit their properties by car at the Hilddene Court location at the junction with Alexandra Park Road. This raises concerns about their ability to access to park and general road safety.
- As part of Homes for Haringey, the location of the proposed EE equipment on Hilddene Court and the suspected financial income for the Council, could appear to favour the commercial interest of Haringey over the best interest of the neighbouring community.

- To install such a mast on a residential home for vulnerable people shows total lack of consideration.
- Strongly object to the structure of these very prominent antennas in a conservation area. They will be unsightly and detrimental to the residents who live in the area and result in the downgrading of conservation area status.

5.4 Comments on representations:

- 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.
- Objectors concerns on Impact on property values is noted. However, value of property is not material planning consideration.

6 MATERIAL PLANNING CONSIDERATIONS

Principle of the proposed development in terms of land use

6.1 There are no land use issues associated with the proposed development. The proposal is primarily subject to the following:

1. Design and impact on the character and appearance of the conservation area;
2. Impact on neighbouring amenity.
3. Public benefit; &

Design and appearance

6.2 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."

6.3 Policy SI 6 Digital connectivity infrastructure point 4 states: "support the effective use of rooftops and the public realm (such as street furniture and bins) to accommodates well-designed and suitably located mobile digital infrastructure".

6.4 NPPF 2023 (Supporting high quality communications)

Para 114 states: "Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high-quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution)".

Para 115 also states: "The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate".

6.5 London Plan Policy HC1 seeks to ensure that development proposals affecting heritage assets and their settings, should conserve their significance. This policy applies to designated and non-designated heritage assets. Local Plan Policy SP12 and DPD Policy DM9 set out the Council's approach to the management, conservation and enhancement of the Borough's historic environment.

6.6 DPD Policy DM9 states that proposals affecting a designated or non-designated heritage asset will be assessed against the significance of the asset and its setting, and the impact of the proposals on that significance; setting out a range of issues which will be taken into account. In relation to extensions or alterations to residential buildings, including roof extensions, Policy DM9 requires proposals to be of a high, site specific, and sensitive design quality, which respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. The policy also requires the use of high-quality matching or complementary materials, in order to be sensitive to context.

6.7 The application property is located in Muswell Hill Conservation Area (the CA) and has a mixed character, including residential uses. The design and appearance of the buildings in the part of the CA is varied and includes traditional 2, 3 or 4 storey terraces, as well as taller contemporary buildings. The most important views within the CA are along Alexandra Park Road itself, and Muswell Avenue where the varied design and form of the buildings, and the mixed-use character of the thoroughfare, can be appreciated.

6.8 Hildene Court is a block of flats, although not identified as a heritage asset in their own right. However, it is a prominent and distinctive element in the street scene, being all of a similar scale. The application building, given its height, forms a prominent landmark within the area. It is also intended to be the tallest building within the immediate area and thus a focal point for the wider pattern of development. From all sides, the existing TV aerial on flat roof is visible above the parapet line of the main roof.

6.9 By virtue of its layout and scale, Hildene Court is a distinctive focal point in the conservation area, between the more modestly proportioned buildings lining the two parallel Roads to either side. The scale of the building and recurring architectural features are among the characteristics that need to be protected. The existing flat roof of Hildene Court presents a simple, uncluttered roofscape against the sky. The majority of the buildings adjoining the application site have pitched roofs, all at a similar height.

6.10 The telecommunication equipment would be set back only a modest amount from the front parapet wall of the host building and would protrude significantly above the flat roofline. As a result, the telecommunication equipment would be viewed against the sky, and would be conspicuous in views along Alexandra Park Road and Muswell Avenue. Given the utilitarian design of the equipment, it would appear as an alien and unsightly feature that would detract from the character and appearance of the CA. The extent of this harm is more substantial due to the large scale of the development and open visibility.

6.11 The proposal includes measures to minimise views of the masts, by dividing them into three clusters, two of which would be at the rear of the roof. However, they would nonetheless project well above the flat roof, disrupting its uncluttered form. Some views of the masts at the rear would be screened by neighbouring buildings, which are set further forward. However, there are oblique views of the rear corners of the roof from a variety of points within Alexandra Park Road and Muswell Avenue. The masts at the rear would also be clearly visible from Colney Hatch Lane, where the building is prominently located above and behind the adjacent two and three storey buildings.

6.12 The scale of the Hildene Court on Alexandra Park Road and Muswell Avenue tends to draw the eye upwards to the roofscape. Therefore, although the masts would be elevated considerably above street level and would appear relatively modest in proportion to the height of the building, this would not prevent them from intruding to a harmful degree above the roofscape. Neither the street trees nor the proposed pale colour would sufficiently mitigate their visual impact. Furthermore, the more discreet, central location of the rooftop equipment cabinets would not mitigate the harm arising from the taller and more prominent masts on the outer edge of the building.

6.13 While telecommunications equipment is relatively commonplace in urban environments, particularly on roof tops - this does not prevent the proposal from being harmful to the particular characteristics of the conservation area. Although the host building is not identified as a heritage asset in its own right, its proportions and roofscape are consistent with the formal layout of imposing buildings to either side

of the road. As such, the disruption to its roofscape has a harmful effect on the character and appearance of the area.

6.14 The proposal would neither preserve nor enhance the character or appearance of the Conservation Area. The harm to the significance of the Conservation Area would be less than substantial, given the scale of the masts in relation to the height of the building.

Public Benefits

6.15 Paragraph 202 of the Framework states that where a proposal would lead to less than substantial harm to the significance of heritage assets, such harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

6.16 Section 10 of the Framework recognises that high quality and reliable communications infrastructure is essential for economic growth and social well-being. It therefore supports the expansion of electronic communications networks, including 5G. This reflects more general Government support for digital infrastructure rollout.

6.17 The application is accompanied by evidence of the need for the proposed installation, which particularly highlights a requirement to reinstate telecommunications coverage lost as a result of the decommissioning of a base station at Barrington Court. The proposal would also enable the introduction of the latest 5G technology and increase network capacity, particularly within buildings, to prevent further strain on the network as demand increases. In consequence, the public benefits of the proposal include improved communications infrastructure to support economic growth (including for home workers and local businesses), public health and emergency services communications, social and community well-being.

6.18 The surrounding urban area is densely developed and therefore the presence of taller buildings, including Hilddene Court, is a constraint on effective mobile telecommunications coverage. The decommissioning of an existing base station due to its obstruction by a new, taller building nearby, is evidence that this is a key consideration in the search for a suitable site. Coverage maps provided with the application suggest that the other installation largely reinstated the coverage lost at Barrington Court, in terms of its geographical extent. However, adding the application site, the proposal would extend coverage further, as well as providing increased capacity and improved technology.

6.19 Evidence submitted with the application includes details of several alternative sites which were rejected for various reasons. The evidence also highlights that such

installations need to be on the edge of the rooftop, to provide effective coverage. The appellant states that all the buildings identified as suitable for the installation are within the CA and therefore the lack of suitable alternatives outside the CA should weigh in favour of the proposal, in order to deliver the associated public benefits.

6.20 Given the above, the evidence that a site within the Conservation Area (CA) is the only feasible option is not entirely persuasive. 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 may 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.

6.21 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, this proposal would cause to the character and appearance of the conservation area. Given the above, the proposal would significantly harm the character and appearance of the conservation area and is contrary to relevant policies in the Local Plan (2017) and advice contained in the NPPF.

6.22 On that basis, while officers have given significant weight to the public benefits associated with the proposal, based on the evidence submitted, the Local Planning Authority (LPA) is not satisfied that these benefits can only be delivered in the proposed location. Since the building is already occupied for residential purposes and appears to be in generally good order, there is also no clear evidence of any need to secure a more viable use, by means of a rooftop installation or otherwise.

Impact on neighbouring amenity

6.23 London Plan Policy D6 outlines that design must not be detrimental to the amenity of surrounding housing, in specific stating that proposals should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context, while also minimising overshadowing. London Plan Policy D14 requires development proposals to reduce, manage and mitigate noise impacts.

6.24 The proposal is situated at roof level, sufficient distance away from neighbouring occupiers. The proposal will not have an adverse impact on the residential amenity of adjoining/ neighbouring occupiers, but as explained such an installation here will affect the visual amenity of the area.

Conclusion

6.25 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, 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 Muswell Hill Conservation Area. The proposed development would not preserve or enhance the character or appearance of the 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.

6.26 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be refused for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

7. RECOMMENDATION

REFUSE PERMISSION for the following reasons:

The proposed development, by reason of its siting, appearance, size and prominent location would be visually intrusive and an incongruous form of development, harmful in terms of the character and appearance of this building, the streetscene, the character and appearance to this part of the Muswell Hill Conservation Area, as well as the visual amenity of the area, 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.