The Planning Inspectorate

# Appeal Decision

Site visit made on 13 September 2016

**by Louise Phillips MA (Cantab) MSc MRTPI**

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

**Decision date: 20 September 2016**

**Appeal Ref: APP/G5180/W/16/3150178**
**Grass Verge Poverest Road, Poverest, St Mary's Cray, Orpington BR5 1GU**

- 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.
- The appeal is made by Cornerstone Telecommunications Infrastructure Limited (CITL), Vodafone Limited and Telefonica UK Limited against the decision of the Council of the London Borough of Bromley.
- The application Ref DC/15/05224/TELCOM, dated 27 November 2015, was refused by notice dated 22 January 2016.
- The development proposed is the installation of a 10m Hutchinson Engineering Single Stack T-Range Replica Telegraph Pole on a new root foundation and associated ancillary development.

## Decision

1. The appeal is allowed and 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 (GPDO) for the siting and appearance of the installation of a 10m Hutchinson Engineering Single Stack T-Range Replica Telegraph Pole on a new root foundation and associated ancillary development, at land at Grass Verge Poverest Road, Poverest, St Mary's Cray, Orpington BR5 1GU, in accordance with the terms of the application Ref DC/15/05224/TELCOM, dated 27 November 2015, and the plans submitted with it.

2. This is subject to the conditions set out in Schedule 2, Part 16, paragraphs A.2(2)(b); A.3(8)(a); and A.3(10)(a) of the GPDO.

## Preliminary Matters

3. The name of the appellant, the description of development and the site address are taken from the appellant's letter to the Council dated 27 November 2015.

4. The provisions of GPDO allow the local planning authority to consider the effects of the proposed development on the basis of its siting and appearance only, taking account of any representations received. On 22 January 2016, the Council determined that it's prior approval was required in respect of these matters; and that such prior approval was refused. I have dealt with the appeal on this basis. The development plan policies to which the Council refers on its decision notice are material considerations for my decision, but, under the provisions of the GPDO, they are not determinative.

## Main Issues

5. The main issue is the effect of the proposed development upon the character and appearance of the area.

## Reasons

6. The proposed development comprises a 10m pole, described as a replica telegraph pole, and one equipment cabinet. It would be installed upon the grass verge between the road and the pavement on the north side of Poverest Road, close to its junction with Church Hill Road to the east. The surrounding area is urban and residential in character and there are houses in close proximity to the site. Poverest Road is a wide and busy road; and it accommodates street furniture, street trees, signage and other such paraphernalia along this particular stretch. Along with the trees, this includes numerous vertical features, such as tall lamp posts, a telegraph pole and bus stop signs etc.

7. The proposed development would be sited near to another telecommunications mast towards the junction with Church Hill Road. The existing mast is white with a bulbous top section and, by virtue of this design, it stands out as a discordant feature in near views. In addition, there is a cluster of equipment cabinets close to the existing mast, which do give rise to visual clutter.

8. Whilst the proposed development would increase the amount of similar equipment in the area, the pole would be only a little taller and wider than the lamp post adjacent to it; and it would be coloured brown to look like a telegraph pole[1]. Consequently, it would not look particularly out of place in its surroundings. The equipment Cabinet, while quite large, would be located immediately behind a bus shelter that lies between the existing and proposed installations. In this discreet position, it would not add to the visual clutter described above.

9. In longer views from the east on Poverest Road, a mature tree close to the existing installation would provide significant screening of the proposed development so that it would not be a prominent feature. Whilst it would be more clearly visible from the west and from Church Hill Road, it would be seen along with the other tall structures in the area and this would diminish the effect of its individual height.

10. In nearer views, the scale and nature of the proposed development would be more clearly apparent but, for the reasons already given, it would not cause significant visual harm in the street scene. A number of nearby residents would have direct views of the development from their homes, but these would either be across a wide green space or Poverest Road itself. Thus the proposal would not represent an unduly imposing feature.

11. For these reasons, I conclude that the proposed development would not be harmful to the character and appearance of the area. It would not conflict with the provisions of Policies BE1 or BE22 of the Unitary Development Plan, July 2006, insofar as they relate to protecting the character and appearance of the area.

[1] Colour specified on photograph sheets Ref CTIL 148139.1.1; 148139.2.1; 148139.3.1; and 148139.4.1, submitted with the application.

## Other Matters

12. Concerns have been raised about the potential health impact of a second telecommunications mast near to local nursery and primary schools. However, the appellant has declared that the proposal complies with the guidelines laid down by the International Commission on Non-Ionizing Radiation Protection (ICNIRP)[2]. In such circumstances, paragraph 46 of the National Planning Policy Framework is clear that health safeguards should not be determined. Therefore, this matter does not weigh against the proposal.

## Conclusion

13. For the reasons given above I conclude that the appeal should be allowed.

## Conditions

14. The GPDO imposes standard conditions for development permitted by Class A and I have referred to these in my formal decision above. They require that the equipment is removed as soon as practicable after it is no longer required and that the land is appropriately restored; that the development is carried out in accordance with the approved details; and that it is completed within 5 years from the date of this decision.

15. The Council has suggested an additional condition requiring that it approves the colour of the mast before it becomes operational. However, the submitted details hereby approved specify that the mast shall be coloured brown and so I do not consider that the condition is necessary.

*Louise Phillips*

INSPECTOR

[2] Declaration by Chris Ogden-Smith, dated 27 November 2015.