

Appeal Decision

Site visit made on 10 October 2016

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 7 November 2016

Appeal Ref: APP/G5180/W/16/3155670
Bourne Vale, Bromley BR2 7NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) .
 - The appeal is made by H3G & EE Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/01430/TELCOM, dated 18 March 2016, was refused by notice dated 9 May 2016.
 - The development proposed is replacement of a 10m telegraph pole with a 10m telegraph pole and 1 no.additional equipment cabinet.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) require the local planning authority to assess the proposed development solely on its siting and appearance. My determination of this appeal has been made in the same manner.
3. Having regard to the available evidence the proposal appears to be permitted development under Schedule 2, Part 16 of the GPDO.

Main Issues

4. The main issues are the effect of the proposal on:
 - The character and appearance of the area;
 - Pedestrian safety.

Reasons

Character and appearance

5. The appeal site comprises a small area of land on the edge of an existing area of greenspace at the junction of Bourne Vale and Mounthurst Road. The appeal site contains an existing 10 metre high telegraph pole style telecoms mast together with a number of existing cabinets of varying height, design and
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colour. Though there are some trees within the vicinity of the appeal site including one adjacent to it, the height and prominent roadside location of the existing pole means that it is prominent in the streetscene and visible from various vantage points nearby. The immediate surrounding area is mainly residential in character. At the time of my visit Bourne Vale was busy with traffic.

6. The proposed replacement mast would be re-located slightly taking it closer to the nearby tree. However due to its height the tree would not provide any significant screening of it from most vantage points. The proposed mast would also be wider than the existing one. Whilst the submitted plans show that it would be the same colour and height as the existing mast, it appears from the available evidence that the existing mast does not have planning permission and that the only permission to have been granted for a mast on the site was for an 8 metre high telegraph pole style mast.
7. Consequently the proposed mast would be 2 metres taller than the previously approved mast and in the absence of any evidence regarding the status of the existing mast, I consider that the siting of a mast of the height and design proposed on the appeal site would be an obtrusive and highly prominent feature in the streetscene, out of character with and detrimental to the visual amenity of the area. This is notwithstanding the fact that the site is not located in a designated area.
8. I note the Council's concerns and those of interested parties in relation to the impact of the proposed additional equipment cabinet on the character of the area. However having regard to the small scale of the cabinet, its location and proposed colour, I do not consider that it would be harmful to the character and appearance of the area.
9. Taking the above matters into consideration, I conclude that the siting and appearance of the proposed mast means that it would have a significant adverse effect on the character and appearance of the area. It is therefore contrary to policies BE1 and BE22 of the London Borough of Bromley Unitary Development Plan (UDP). These policies seek, amongst other things, to ensure that development is well designed and that telecommunications equipment including masts does not adversely affect the character and appearance of the area.

Pedestrian Safety

10. The proposed site plan shows that the additional equipment cabinet would be positioned at the back edge of the pavement just in front of the existing road sign for Mounthurst Avenue and close to the existing tree located on the roadside edge of the pavement. From my observations on site and based on the available evidence, it appears that the positioning of the cabinet would result in a narrowing of the pavement at this point and that this would be likely to result in an obstruction for pedestrians to the detriment of pedestrian safety.
11. I therefore conclude that the proposal would have an adverse impact on pedestrian safety and that it would be contrary to policies BE1 and T18 of the UDP. These policies seek, amongst other things, to ensure that development is of a high standard of design and layout, that suitable access is provided for people with impaired mobility and that road safety is not adversely affected.

Other Matters

12. In reaching my decision I have had regard to the guidance relating to communications infrastructure contained in relevant paragraphs of the National Planning Policy Framework (the Framework). I note that the proposed mast would be shared by two operators and that it is required in order to improve the existing 2G and 3G service and to provide 4G technology to customers in the area thereby improving the overall service. I also note that the appellant states that failure to upgrade this site will mean that an alternative green field site will need to be found to serve the area though no details of any such alternative sites have been provided. However none of these matters either individually or cumulatively outweigh the harm that I have identified.

Conclusion

13. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR