
Appeal Decision

Site visit made on 8 November 2016

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 22 November 2016

Appeal Ref: APP/G5180/W/16/3156884

**Near 342 Croydon Road/Belmont Road, Beckenham, Bromley, Kent
BR3 4HR**

- 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 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CTIL and Vodafone Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/02341/TELCOM, dated 16 May 2016, was refused by notice dated 5 July 2016.
 - The development proposed is installation of an 11.5m telecommunications replica telegraph pole and 1 no. equipment cabinet.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 16 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of the installation of an 11.5m telecommunications replica telegraph pole and 1 no. equipment cabinet at land near 342 Croydon Road/Belmont Road, Beckenham, Bromley, Kent BR3 4HR in accordance with the terms of the application Ref DC/16/02341/TELCOM, dated 16 May 2016, and the plans submitted with the appeal documents.

Procedural matters

2. I have used an abbreviated version of the description of development given in the appeal form in the banner heading above as it is unnecessary to repeat the location of the proposed installation.
 3. The appellants submitted revised plans with the appeal documents (drawing nos. 301 C and 201 D). These plans were revised following discussion with the local highways authority and show a different location for the proposed cabinet to that shown on the original plan. The revisions on the plan are minor in nature, and I am mindful of conditions A3(8) and A3(9) of the Part 16, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (the GPDO). These conditions allow for revisions of the scheme when agreed in writing and that no special form of writing is required. Critically "there is no requirement on the developer to submit a new application for prior approval in the case of minor amendments to the details submitted with the application for prior approval".
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4. Moreover, in its appeal statement the Council has raised no objections to my consideration of the contents of the revised plans in this appeal. Thus, as the amendments to the plans are minor in nature, and in the light of the above considerations, I am prepared to accept the revised plans. I am satisfied that no parties would be prejudiced by my consideration of their content in my assessment of the planning merits of the appeal.

Background and Main Issues

5. The appeal concerns a proposed telecommunications development that was refused prior approval by the Council under the GPDO. Within certain limits, the GPDO grants permission for the development of telecommunications equipment subject to a prior approval procedure. The GPDO makes it clear that the relevant issues to consider when assessing applications of this type are the siting and appearance of the proposed development. As a consequence, I consider the main issues in this appeal to be firstly, the effects of the siting and appearance of the proposed development on the character and appearance of the area; and secondly, the effects of the siting of the proposed development on highway safety.

Reasons

Character and appearance

6. Adjacent to the railings and mature trees that mark the boundary with Croydon Road Recreation Ground, the appeal site is set on the pavement more or less opposite to the junction with Belmont Road. Croydon Road is a bus route, and vehicular traffic was busy at the time of my site visit. On both sides of the road adjacent to the appeal site, and in the side streets that branch off from it, lamp-posts and other vertical structures, such as road signs and bus shelters are common, as well as cabinets close to, and across the road from, the existing telecommunications mast near to the recreation ground's staff entrance.
7. The proposed development is a telecommunications mast that would have a height of around 11.5m. An equipment cabinet would be placed to the side of this mast with a height slightly in excess of that of the recreation ground's railings. The mast would be designed to replicate the appearance of a telegraph pole.
8. Due to the presence of a great deal of other vertical and other structures along Croydon Road, the proposed mast would not look significantly visually jarring or out of place within this context. The proposed mast would be slightly taller and thicker than existing lamp-posts adjacent to it along Croydon Road. However, these minor differences would not result in a development that looked harmfully incongruous. The proposed mast would be slightly higher than the trees to its rear, which would provide a backdrop when viewed from Croydon Road. However, the mast's proposed telegraph pole design would soften its visual effects, and help it to blend sensitively with this backdrop.
9. Due to its height above the existing trees the proposed mast would be visible from within the recreation ground, and inter-visible with the bandstand in some views. Whilst I have been supplied with no evidence to suggest that the recreation ground or the bandstand are designated heritage assets, I am mindful that some cultural and historic significance could be derived from their

associations both with David Bowie's appearance at a free festival in the late 1960s and early air mail flights by balloon taking off from the grounds. However, I am not persuaded that, given the finished appearance of the proposed mast its visibility would be in itself visually obtrusive, or cause harm to the cultural and historical significance of the recreation ground and bandstand.

10. The proposed equipment cabinet, whilst slightly higher than the existing railings would, from Croydon Road, be viewed against a backdrop of dense shrubbery, and the proposed finish would soften its visual effects. Moreover, within the appeal site's wider context such structures are by no means unusual and, as a consequence, I consider that the proposed cabinet would neither look incongruous nor visual harmful.
11. Thus as the siting and appearance of the proposed development would cause no material harm to the character or appearance of its surroundings, I consider that, in this regard the proposed development would meet the prior approval conditions of the GPDO. For these reasons too, the proposed development would not conflict with Policies BE1 and BE22 of the Bromley Unitary Development Plan (adopted July 2006) (the UDP); or Policy 7.4 of The London Plan: The Spatial Development Strategy for London-Consolidated with Alterations since 2011 (adopted March 2016). Taken together, and amongst other matters, these policies seek to ensure that the development of telecommunications apparatus respects the character and appearance of its surroundings.

Highway Safety

12. The pavement adjacent to the appeal site is reasonably broad, and I saw that it was quite well used by pedestrians at the time of my site visit. I am also conscious that when events are on at the recreation ground the pavement adjacent to the appeal site could be considerably busier.
13. I note that the arrangement of the cabinet and the mast as submitted in the original plans could have created a pinch point, particularly when the cabinet doors were open, and maintenance activity on-going. However, the revised proposal, as depicted in drawing nos. 301 C and 201 D, submitted with the appeal statement shows the cabinet located to the side of the proposed mast. This revised arrangement would provide adequate space for users of the footway to pass conveniently, even in the limited occurrences when the doors would be open for maintenance. Consequently, the proposed development would neither force users of the pavement into the highway, nor inconvenience them to any material degree.
14. Accordingly, I consider that the proposed development would not be detrimental to the free passage of pedestrians or detrimental to pedestrian or highway safety, and thus I find no material harm arising in these regards from its siting. For these reasons also, I consider that the proposed development would not conflict with Policies T6 or T18 of the UDP, which taken together and amongst other matters, seek to ensure that road and pedestrian safety is not adversely affected by new development.

Other Matters

15. I note comments that the proposed site of the development is not the only potential one for such a structure, and that an existing mast is located around 65m away from the appeal site. However, the appellant's evidence in these regards is persuasive, that other sites have been considered but for various reasons, are unachievable or would not result in comparative gains in network coverage to that of the appeal site. Moreover, there is no potential to share the existing mast, and indeed it appears that the operators that use that existing mast have sought unsuccessfully to attain consent for its replacement with a larger structure in the past. Furthermore, I have been supplied with no other alternative sites by the Council or others to consider. Thus as I have found that no material harm would occur as a result of the siting and appearance of the proposed development, I have attached only limited weight to these considerations.
16. I am aware of concerns with regard to the potential health effects of the proposed development. However, I am conscious of the National Planning Policy Framework (the Framework), which states, at paragraph 46 that planning decision-takers "must determine applications on planning grounds. They should not seek to... determine health safeguards if the proposal meets International Commission guidelines for public exposure." I have been supplied with a certificate of compliance with the guidelines laid down by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). This is evidence that the installation would meet these guidelines, and thus it is not necessary for me to consider the health aspects of the proposal any further. Furthermore, no substantiated evidence has been supplied to me to suggest that the ICNIRP guidelines would not be met. Thus anxieties about perceived risks in this regard are not a matter on which I place much weight in the overall planning balance.
17. I note concerns regarding the perceived lack of bins and the condition of the pavements and highways more generally in the vicinity of the appeal site. However, these matters are not directly related to the subject matter of this appeal and thus I attach only limited weight to them in the overall planning balance.

Conclusion

18. The GPDO does not provide specific authority for me to attach conditions, and thus I am unable to do so in this case. However, the GPDO attaches the following standard condition to development of this nature given in Schedule 2, Part 16 paragraph A.2:
 - Development is permitted subject to the condition that any apparatus or structure provided in accordance with that permission is removed from the land, building or structure on which it is situated... as soon as reasonably practicable after it is no longer required for electronic communications purposes, and such land, building or structure is restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.
19. The siting and appearance of the proposed development would not cause harmful effects to either the character of its surroundings, or highway safety.

Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR