

Appeal Decision

Site visit made on 3 October 2016

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 13 December 2016

Appeal Ref: APP/B5480/W/16/3152627

Existing radio base station adjacent to Wingletye Lane, Hornchurch, Essex, Romford RM11 3UX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Part 16 of Schedule 2 of the Town and Country Planning General (Permitted Development) (England) Order 2015.
 - The appeal is made by Telefonica UK Ltd against the decision of the Council of the London Borough of Havering.
 - The application Ref MOO22.15, dated 22 October 2015, was refused by notice dated 17 December 2015.
 - The development proposed is a replacement 15m mast.
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Decision

1. The appeal is allowed and approval is granted under Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) for a replacement 15m mast at the existing radio base station adjacent to Wingletye Lane, Hornchurch, Essex, Romford RM11 3UX in accordance with the terms of the application ref. MOO22.15, dated 22 October 2015, and the plans submitted, comprising 100 Issue A, 200 Issue A, 201 Issue A, 300 Issue A and 301 Issue A.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is situated at the back edge of the footway on the south side of High Street, close to the crossroads with Wingletye Lane, Upminster Road and Hacton Lane. To the south is a grassed area on the western side of Hacton Lane, containing a few individual trees, including a mature tree of about 7.5m in height several metres to the south east of the appeal site. The surrounding area is formed predominantly of two storey residential properties, although there are some non-residential uses including St Andrews Church to the west of the appeal site, a college on the north east corner of the crossroads, and a small parade of shops on the opposite side of High Street.
 4. Approval is sought for the replacement of an existing 12.5m mobile phone mast with a 15m high pole, in the same location. The upper section of the mast would be increased to accommodate six antenna rather than the current three. The replacement mast is required to facilitate the roll-out of the 4G
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- mobile phone network for Telefonica and Vodafone, and there would be an enhanced service for the existing 2G and 3G network provided by both operators.
5. The National Planning Policy Framework states that the provision of high quality telecommunications infrastructure is essential for sustainable economic growth and enhanced provision of local community facilities and services. The number of masts should be kept to a minimum, and existing masts should be used where possible. The anticipated improvements in network coverage and mast sharing weigh in favour of the proposal.
 6. The proposed mast would be greater in height overall than the existing mast and the antenna shroud at the top some 2.5m taller. Due to the open nature of the land surrounding the crossroads and the long range views possible to the east and west, the mast would be visible for some distance in either direction along High Street and Upminster Road.
 7. However, the lower part of the mast would be partly obscured when seen from the west by the nearby bus stop, and although the mast would be taller than the adjacent street lights, it would form part of a line of vertical features on either side of the road, being broadly in line with the lighting columns located at the back edge of the footpath. There are a variety of other street furniture in the vicinity, including road signs, bus stops and traffic lights, reflecting the site location close to a road junction within an urban area.
 8. The mast would be situated in the same location and would be of a similar design and materials to the existing mast, which is clearly visible within the street scene. Whilst the appeal proposal would alter the character and appearance of the locality, the difference between the existing mast and the appeal proposal would not be so significant, when viewed against its immediate surroundings and in longer term views, as to cause material harm.
 9. I have had regard to a dismissed appeal referred to by the Council¹, but in that case the proposal was for a new pole where none previously existed, and the Inspector found that it would cause harm to the significance of a designated heritage asset. As such it is materially different to the appeal proposal before me.
 10. I also acknowledge the Council's concern that no alternative sites have been proposed. Nonetheless, if the existing pole was not replaced, it would be necessary to erect an additional mast in the vicinity to meet the full range of transmissions required by the two operators. The appellant has pointed out that the area has a high customer demand, and that the height of the mast is the minimum required to meet the operator's technical requirements and thus ensure adequate network coverage. In this instance I consider that the opportunity for mast sharing would be preferable to an additional mast nearby.
 11. Taking all of the above into account, I conclude that the proposal would not harm the character and appearance of the surrounding area, and would not conflict with the provisions of Policies DC61 and DC64 of the Core Strategy and Development Control Policies Development Plan Document (2008). These policies require, amongst other things, for proposals to not have an unacceptable effect on the character and appearance of the surrounding area

¹ APP/B5480/W/15/3127970

and to respect the scale, massing and height of the surrounding physical context.

12. Concerns have been expressed regarding the health implications of the proposed mast. However, the appellant has certified² that the proposed mast would comply with the international guidelines for public exposure to electromagnetic fields, and therefore there is no reason to consider any further health safeguards.
13. The Council suggested a number of conditions should be attached to the approval should the appeal be allowed, requiring the development to be begun within five years of the date of approval, in accordance with the terms of the application and for the mast to be removed within three months in the event that it becomes redundant. These matters are covered by deemed conditions as set out in the GPDO at paragraph A.3, so it is not necessary for me to impose them³, but for the avoidance of doubt I shall set out the approved plans within the formal decision.
14. For the reasons set out above I conclude that the appeal should be allowed.

Claire Victory

INSPECTOR

² Compliance Certificate to meet standard of International Commission on Non-Ionising Radiation Protection

³ Paragraph A.3 (2) (b) requires the removal of the development as "as soon as reasonably practicable after it is no longer required for electronic communications purposes".
