

Appeal Decision

Site visit made on 12 January 2017

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 14 February 2017

Appeal Ref: APP/E5330/W/16/3159250

**Land in Footpath of Brewery Road at Junction of Piedmont Road,
Plumstead, London SE18 1TE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by CTIL, Vodafone Ltd and Telefonica UK Ltd. against the decision of Royal Borough of Greenwich.
 - The application Ref 16/1866/T3, dated 23 May 2016, was refused by notice dated 18 July 2016.
 - The development proposed is the installation of a 10m telecommunications monopole and 1no. equipment cabinet.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015, for the installation of a 10m telecommunications monopole and 1no. equipment cabinet on Land in the Footpath of Brewery Road at Junction of Piedmont Road, Plumstead, London SE18 1TE, in accordance with the terms of the application Ref 16/1866/T3, dated 23 May 2016, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 100 Rev. A, 201 Rev. C, and 301 Rev. D.

Main Issues

2. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the street scene and the area, and the living conditions of the residents of neighbouring properties, having regard to their outlook, and whether any harm caused is outweighed by the need to site the installation in the location proposed.

Reasons

3. The appeal site lies at the junction between Brewery Road and Piedmont Road on a comparatively wide section of pavement. The surrounding area is predominantly residential in character and the site is set adjacent to a parcel of land accommodating rows of garages behind a palisade fence. An existing electricity sub-station is also located in close proximity. Approval is sought for the siting and appearance of a telecommunications monopole, comprising a 10 metre high replica telegraph pole style column for use by Vodafone and
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- Telefonica, and a new equipment cabinet to be located to the rear of the pavement adjacent to the palisade fence.
4. The National Planning Policy Framework 2012 (the Framework) advises that a high-quality communications infrastructure is essential for sustainable economic growth, and that the expansion of electronic communications networks, including telecommunications should be supported. However, the Framework also advises that the aim should be to keep the numbers of telecommunications masts and the sites for such installations to the minimum consistent with the efficient operation of the network. In this respect, I am satisfied that the proposed mast, in hosting both Telefonica and Vodafone, would negate the potential for a further additional mast in the vicinity to achieve the same technical coverage. This weighs strongly in favour of the location.
 5. The Council has highlighted that in accordance with its assessment against the prior notification procedure set out at Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) Order 2015 (the GPDO), the principle of the proposal would be acceptable given the overall height of the proposed monopole and the dimensions of the equipment cabinet. However, in accordance with the GPDO, it is still necessary to assess the proposals against the relevant Development Plan policies and other material considerations in terms of siting and appearance.
 6. On the basis of the submissions before me, the Council's chief concern relates to the resultant visual clutter that would arise from the proposal in this location, and the overall prominence of the location. In this respect, I would not disagree with the Council that the addition of the telegraph pole style monopole and equipment cabinet would contribute some additional visual clutter in the area, and that the monopole would be within a comparatively prominent location at the junction. However, I observed the area around the site to not be without other prominent vertical features including street lights, telegraph poles, and mature street trees, and in this respect I do not consider that the addition of the monopole would result in an unacceptable level of visual clutter. Whilst I accept that the height of the column would exceed that of nearby street lights and telegraph poles, I do not consider that, despite its location at the junction or indeed the overall dimensions of the monopole in contrast to other nearby features, this would result in an unacceptably obtrusive or prominent addition within the street scene.
 7. In respect of the equipment cabinet, I note that it would be set towards the back of the pavement and would be viewed in the context of a backdrop of the existing adjacent palisade fence. Whilst I observed that it would also be located within close proximity to existing BT equipment, I am satisfied that any overall cluttering effect would not be significant due to its location. As a consequence, I am not persuaded that the overall visual impact of the proposal would be so injurious as to result in an unacceptable degree of harm to the overall character and appearance of the street scene or the area.
 8. I have also had regard to the concern expressed within the reason for refusal that there would be a significant impact on the outlook of neighbouring occupiers. The Council has not expanded upon this point within their analysis of the proposals, and I note that the summary of local resident responses refers only to the loss of a view of the surroundings rather than outlook. However,

whilst accepting that the loss of a view is not a material planning consideration in this instance, I am satisfied that whilst the proposed monopole and equipment cabinet would be clearly visible from various surrounding properties, the location and separation from surrounding properties combined with the dimensions of the monopole and cabinet, would not result in an unacceptable impact on living conditions having regard to outlook.

9. Interested parties have raised concerns about the potential health effects of the installation, particularly in respect of the proximity to schools, and whether sufficient exploration of alternative sites has been undertaken. I am satisfied that these concerns are legitimate material considerations, but I am mindful that the appellant confirms that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something for decision-makers to determine, and no evidence has been adduced of sufficient authority to justify setting aside this advice. With regards alternative sites, I have noted the appellant's submissions within the supplementary information, but I am mindful that even if alternative sites were available, there is no requirement within the Framework or the GPDO for developers to select the best feasible siting.
10. I have identified that the improvement in coverage and the proposed mast-sharing arrangement would weigh strongly in favour of the proposal in this location. Furthermore, I have concluded that the effect of the proposed installation on the character and appearance of the street scene and area, and on the living conditions of residents of the neighbouring properties, having regard to their outlook, would be acceptable. The proposal would therefore accord with Policies DH1 and DH(c) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies, adopted 2014 (the Core Strategy), and Policy 7.4 of the London Plan: The Spatial Development Strategy for London Consolidated with Alterations since 2011, adopted 2015 (the London Plan). These policies seek to ensure that telecommunications development has due regard to the character and appearance of its location and the design of proposals to minimise visual impact on its setting and local environment, and that any proposal meets ICNIRP guidelines for public exposure. The proposals would also accord with the more specific guidance within the Framework.

Other Matter

11. I have had regard to the various other comments and concerns from interested parties. With regards the impact on health & safety from the reduction of the width of the pavement, I note that both the monopole and equipment cabinet would be located on the fringes of the main pedestrian pavement, and I am satisfied that their locations would not result in any undue encumbrance to users of the pavement.
12. In addition, concerns including the impact of the proposed development in respect of fly-tipping and rubbish, incidences of anti-social behaviour, the loss of value of existing properties, and that as a consequence it would be harder to sell and rent property, have been cited. However, in these respects, I note that the Council has not identified any of these matters in its reason for refusal, and I have not seen any evidence that the proposed monopole would result in these impacts occurring.

Conditions

13. The Council has not suggested any conditions. However, beyond the standard conditions which are imposed by the Town and Country Planning (General Permitted Development) Order 2015, I have added a condition related to the identification of plans, which I consider necessary to provide certainty and clarity in respect of the proposed development.

Conclusion

14. For the reasons given above and subject to the condition, the siting and appearance of the proposal would accord with Policies DH1 and DH(c) of the Core Strategy and Policy 7.4 of the London Plan, and the appeal is therefore allowed.

M Seaton

INSPECTOR