
Appeal Decision

Site visit made on 15 March 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 3rd April 2017

Appeal Ref: APP/D5120/W/16/3161515

Land at Shell Bellegrove, Bellegrove Road, Welling DA16 3QS

- 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.
 - The appeal is made by EE Limited and H3G Limited against the decision of the Council of the London Borough of Bexley.
 - The application Ref 16/01534/GPDO8, dated 26 May 2016, was refused by notice dated 20 July 2016.
 - The development proposed is the installation of a 12.5 metre high monopole supporting 3 no. shrouded antenna, the installation of 4 no. equipment cabinets and development ancillary thereto.
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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 for the installation of a 12.5 metre high monopole supporting 3 no. shrouded antenna, the installation of 4 no. equipment cabinets and development ancillary thereto at Land at Shell Bellegrove, Bellegrove Road, Welling DA16 3QS in accordance with the application ref: 16/01534/GPDO8, dated 26 May 2016 and the plans submitted with it.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area, with particular regard to siting and appearance.

Reasons

3. Prior approval is sought for the siting and appearance of a 12.5 metre tall, monopole telecommunications mast (mast), with three attached shrouded antenna, and four associated equipment cabinets. This development would be shared by two mobile phone service operators, EE and H3G, and would replace the site they share in Central Avenue, a site a little to the north in Welling that is due to be redeveloped. It is intended that the replacement site would be used to maintain the telecommunications coverage provided at the existing site, while also allowing an upgrade to be made to assist with the rolling out of the operators' fourth generation networks.
 4. The new mast would be sited to the rear of the petrol filling station (the PFS) in Bellegrove Road and this PFS backs onto a public car park. The PFS forms part of Welling's shopping area and the car park serves that area. The area to
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the south and west of the car park is residential in character, with the nearest dwellings being in Darwin Road and Westwood Lane.

5. As is typical for PFSs, this PFS is dominated by its forecourt shop and canopy and the siting of the mast, behind those forecourt structures, would mean that it would be set back a considerable distance from the footway and carriageway in Bellegrove Road. I consider that the design and height of the mast would result in it having an appearance similar to the street lighting columns in Bellegrove Road. I am therefore of the view that the siting and appearance of this mast would mean that it would be unobtrusive when seen from Bellegrove Road.
6. I recognise that the mast would, to some degree, be visible from within the interiors of the houses and/or the gardens of the properties in Westwood Lane and Darwin Road that adjoin the car park. However, the closest of those properties would be in Darwin Road and I estimate the mast would be around 25 metres from the end of the back gardens of those houses, with there being around another 20 metres or so to the rear elevations of the neighbouring houses. The mast would therefore be sited at a considerable distance from the houses in Darwin Road and even further away from the properties in Westwood Lane.
7. The views of the mast from the nearest houses would be across the car park, which has various quite tall columns within it that support lights and CCTV equipment. While the mast would be a little taller than the columns within the car park, given its comparatively slender form, I consider that this mast would not have a domineering presence when seen from the dwellings in the area. Given the numerous street furniture columns within or immediately adjoining the car park I also consider that the siting of the mast would not give rise to cluttering within the public realm. I therefore consider that this mast would not look out of place in a shopping area that adjoins housing.
8. The equipment cabinets would be discretely located within the confines of the PFS, between the forecourt shop and the palisade fencing marking the boundary between the PFS and the car park. Having regard to the discrete location of the cabinets and their limited scale, I consider that their siting would have no adverse effect on the character and appearance of the area.
9. The Council has confirmed in its officer report that the PFS is not in a Conservation Area, so there are no heritage asset implications that I need to take account of.
10. For the reasons given above I conclude that the siting and appearance of the development would not be harmful to the character and appearance of the area. There would therefore be no conflict with saved Policies ENV39 and ENV45 of the Bexley Unitary Development Plan of 2004 and Policy CS07 of the Bexley Core Strategy of 2012. That is because the development would be satisfactorily located and would be compatible with the mixed use character of Welling town centre within the vicinity of the PFS and there would be no adverse effect on the streetscene, having regard to the scale and height of the development.

Other Matters

11. Concerns have been raised about potential effects on health. However, the appellants have provided a certificate to confirm 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, paragraph 46 of the National Planning Policy Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
12. The appellants have drawn my attention to various appeal decisions. However, because I am required to consider the site specific implications of the siting and appearance of the appeal development, those other appeal decisions have had no bearing on my determination of this appeal.
13. In the event of the appeal being allowed the Council has suggested that I should impose a condition precluding any alterations being made to the permitted development without the Council's prior approval being obtained. However, I consider the imposition of such a condition to be unnecessary. That is because alterations that would affect the permitted development's appearance could not be undertaken without a further application for prior approval being submitted to the Council. Should that procedure not be followed there would be a breach of control that could be enforced against, if that was considered to be expedient.

Conclusion

14. For the reasons given above the appeal is allowed.

Grahame Gould

INSPECTOR