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## 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: 4<sup>th</sup> April 2017**

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### **Appeal Ref: APP/D5120/W/16/3156668 Greek Orthodox DNS, Welling DA16 3EP**

- 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 (UK) Limited and Hutchinson 3G UK Limited against the decision of the Council of the London Borough of Bexley.
  - The application Ref 16/01258/GPDO8, dated 26 April 2016, was refused by notice dated 20 June 2016.
  - The development proposed is installation of telecommunications apparatus comprising one x 8 metre high streetworks tower and associated apparatus.
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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 telecommunications apparatus comprising one x 8 metre high streetworks tower and associated apparatus at the Greek Orthodox DNS, Welling DA16 3EP in accordance with the application ref: 16/01258/GPDO8, dated 26 April 2016 and the plans submitted with it.

### **Main Issue**

2. The main issue is the effect of the development on the setting of the grade II\* listed Greek Orthodox Church (the listed church) and the character and appearance of the area.

### **Reasons**

3. Prior approval is sought for the siting and appearance of a replacement telecommunications mast (the mast) and the associated installation of an equipment cabinet (the cabinet). The mast's height above ground level would be 8.0 metres<sup>1</sup> and it would have shrouded antenna fixed to it. The new mast would replace an existing 7.7 metre tall, slim line, mast that is sited a very short distance to the north of the new mast's location. The new mast would have a diameter that would be around 100mm greater than the existing mast and it would be dark green in colour. The base station cabinets associated with the existing installation are sited within a recess in the footway in Upper Wickham Lane.

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<sup>1</sup> Based upon the dimension shown on drawing 51175 – 05 Rev C

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4. The new mast would be shared by two mobile phone operators, EE and Hutchinson 3G, and would accommodate antenna required to provide coverage in relation to each operators roll out of their fourth generation networks.
5. This development is an alternative to a proposal that was subject to the prior approval application 14/02241/GPD08, for which prior approval was refused by the Council. The subsequent appeal<sup>2</sup> relating to the 2014 prior approval application was dismissed because the Inspector found that the mast would not preserve the setting of the adjoining listed church, while the associated street works would be clutter in the streetscene. The previously proposed mast would have had a bulbous headframe to shroud the antenna, while the currently proposed mast would be of a uniform diameter from top to bottom.
6. I estimate that the replacement mast would be sited around 25 metres to the south of the listed church. The details that accompany the listing for the church indicates that it dates from the 12<sup>th</sup> century and it is described as having a small single cell, with a prominent bellcote at the western end of the building. The immediate setting of the listed church is formed by an extensive churchyard and that yard also serves the nearby Parish Church of St Michael, a building which is of much later construction. Within the churchyard there is a row of deciduous trees and those trees provide the listed church with a verdant setting when it is viewed from the public highway, as well as from in the churchyard. The setting of the listed church beyond the churchyard to the north, south and west is of a much more suburban character and this wider setting is in part characterised by regularly spaced street lighting columns of a similar height to the existing and proposed masts.
7. The replacement mast would be of a bulkier appearance than the existing mast and the nearby street lighting columns. The new mast would therefore to some degree be more visible within the streetscene than the existing mast. However, I consider that there would be sufficient separation between the replacement mast and the listed church for the new mast appear as neither a dominant nor incongruous structure within the setting of the listed building. The fact that the mast would be sited in very close proximity to the row of trees within the churchyard would mean that those trees would provide a significant degree of screening for the new mast, even when those trees are not in leaf.
8. I therefore consider that the degree of physical separation between the mast and the listed church and the screening that would be provided by the trees in the churchyard would mean that the setting of the listed building would be preserved. I am therefore of the opinion that the mast's siting and appearance would mean that this aspect of the development would be subservient to the listed church's bellcote and that the concern identified by the Inspector in dismissing the previous appeal has been overcome.
9. While it is unfortunate that this development would entail the installation of another equipment cabinet that structure would be of a scale that is comparable with the nearby existing cabinets and it would be seen against the backdrop of the taller churchyard boundary wall. I therefore consider that the

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<sup>2</sup> APP/D5120/W/15/3070066

presence of the new cabinet would not give rise to cluttering in the streetscene.

10. The Council contends that the appellants should have undertaken a more extensive search for an alternative site and that this development should be considered as a new installation as opposed to being a network upgrade. With respect to alternative locations, it is argued that in sufficient evidence has been provided to demonstrate that site sharing could not be undertaken at the existing installations to the north in Upper Wickham Lane and Lodge Hill. The appellant contends that for technical reasons, relating to avoiding signal interference, installations cannot be readily moved around within the cells that they will cover. As I have found that the siting and appearance of the development would be acceptable, I consider that the adequacy or otherwise of the site selection exercise the appellants have undertaken is not determinative in this instance.
11. For the reasons given above I conclude that the development would preserve the setting of the listed church and would not be harmful to the character and appearance of the area. There would therefore be no conflict with saved Policies ENV39, ENV45 and ENV51 of the Bexley Unitary Development Plan of 2004 and Policy CS19 of the Bexley Core Strategy of 2012. That is because the development would be satisfactorily located, would not adversely affect the streetscene, having regard to the scale and height of the development, and the setting of the listed church would be preserved. As I have concluded that the siting and appearance of the development would preserve the setting of the listed church I consider that there would be no conflict with the provisions of section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework.

### **Conclusion**

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

*Grahame Gould*

INSPECTOR