

Appeal Decision

Site visit made on 14 March 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 11 April 2017

Appeal Ref: APP/D5120/W/16/3164986

Junction of Kingswood Avenue and St Augustine's Road, Belvedere, Kent DA17 5HH

- 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 Bexley.
 - The application Ref 16/02193/GPDO8, dated 18 August 2016, was refused by notice dated 13 October 2016.
 - The development proposed is the installation of an 11m telecommunications replica telegraph pole and a single equipment cabinet.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Part 16 Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of the installation of an 11m telecommunications replica telegraph pole and a single equipment cabinet at the Junction of Kingswood Avenue and St Augustine's Road, Belvedere, Kent DA17 5HH in accordance with the terms of the application Ref 16/02193/GPDO8, dated 18 August 2016, and the plans submitted with it.

Procedural Matter

2. The Council employed a more precise description of the development's location in their decision notice and in notifying interested parties of the appeal, than the address in the original application letter. As this more accurately describes the site, I have used this in the heading above and in my decision. I do not consider that the interests of any parties will have been prejudiced as a result.

Main Issue

3. The main issue raised by this appeal is the effect the siting and appearance of the proposed installation would have on the area's character and appearance.

Reasons

4. The appeal site forms part of built out area of pavement to the south of Kingswood Avenue where it joins St Augustine's Road. It is bounded to the rear by a low retaining wall behind which are a cluster of conifer trees. The area is predominantly residential in character although a school lies to the
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north of the site and it adjoins a vacant site behind the conifers. The site is on the side of an incline with St Augustine's Road dropping down to the north east and continuing to rise fairly steeply upwards to the south where it becomes Heron Hill.

5. The proposed equipment cabinet would be situated adjacent to the retaining wall with an 11m tall mast and antenna structure set slightly in front of it but set back from the surrounding footway. At the time of my visit there were three signs on posts and a low level street name sign on the site, along with a timber telegraph pole, the latter largely engulfed by the conifers.
6. The simple, cylindrical shape of the mast would appear as a clear vertical element in the streetscape. The appellant advises the mast would have a diameter of 0.35m and therefore its height in relation to its width would give it a relatively slender form. Its appearance and external treatment, whilst not exactly replicating a telegraph pole due to its dimensions and lack of wires, would nevertheless result in a form of vertical structure which would not appear unacceptably alien or intrusive amongst the vertical streetscape features which are present in the vicinity, notably streetlamps and telegraph poles. Although it would be appreciably taller than these structures, it would not be so excessively tall in comparison that it would appear out of context with them, particularly when viewed from a distance.
7. The structure would occupy a prominent location being at a junction, particularly when viewed up the straight alignment of St Augustine's Road. However, such prominence would not, in this case, equate to intrusiveness. Furthermore, the mast would be considerably less prominent from other locations outside its immediate vicinity due to the combination of intervening buildings, the alignment and orientation of streets and topography. Whilst it would be seen over roof tops from some surrounding streets, its size and appearance would avoid it appearing over dominant or intrusive in such views. The situation of the equipment cabinet to the rear of the paved area and adjacent to the retaining wall would reduce its visual effects.
8. The conifer trees immediately to the south of the site would mask much of the development from views from the south and provide a backdrop against which it would be viewed from other aspects, further reducing its prominence. However, as these trees are not part of the appeal site there is no guarantee they would endure. Should these trees be removed, it would make the mast and equipment cabinet more conspicuous. However, this would not be to the extent that it would be an unacceptably pronounced feature in the streetscene where it would still be viewed within the context of vertical street furniture. The proposal would consequently not materially harm the character and appearance of the area.
9. The appellant has provided information illustrating other sites investigated which include consideration of using existing buildings. I am satisfied, on the basis of the evidence presented, that the appellant has reasonably considered and eliminated a range of alternatives, an approach which accords with that set out in the National Planning Policy Framework (the Framework).
10. I have had regard to development plan policies insofar as they are relevant to siting and appearance. As I have found that the siting, design, colour and appearance would minimise its visual impact and not adversely affect the

streetscape the proposal would accord with UDP¹ Policies ENV39 and ENV45. London Plan² Policy 4.11 encourages network connectivity across London, including well designed and located street-based apparatus, with which the proposal would comply. It would not conflict with Core Strategy³ Policy CS03 which sets out how the vision for the Belvedere geographic region will be achieved, including through high quality design.

Other Matters

11. Interested parties have raised concerns about potential effects on health, particularly that of children attending the school opposite the site, and that such concerns may lead to parents moving their children from the school to other ones. 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, the Framework advises that health safeguards are not something which a decision-maker should determine. No 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 in this case.

Conclusion

12. The siting and appearance of the proposed installation would not harm the area's character and appearance. The appeal is therefore allowed.

Geoff Underwood

INSPECTOR

¹ Bexley Council Unitary Development Plan, 2004.

² The London Plan - consolidated with alterations since 2011, 2015.

³ Local Development Framework Development Plan Document – Bexley Core Strategy, 2012.