
Appeal Decision

Site visit made on 3 April 2017

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 7 June 2017

Appeal Ref: APP/D5120/W/16/3165618
Cray Road, Erith, Bexley, London DA8 1NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval pursuant to Schedule 2, Part 16, Paragraph A.3 of the Town and Country Planning (General Permitted Development)(England) Order 2015.
 - The appeal is made by EE Ltd and Hutchinson UK Ltd against the decision of the Council of the London Borough of Bexley.
 - The application Ref 16/01963/GPDO8, dated 25 July 2016, was refused by notice dated 31 August 2016.
 - The development proposed is a proposed telecoms upgrade and associated works.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 16, Paragraph A.3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for a proposed telecoms upgrade and associated works at Cray Road, Erith, Bexley, London DA8 1NQ in accordance with the terms of the application Ref 16/01963/GPDO8, dated 25 July 2016.

Main Issues

2. The main issues in the appeal are the effect of the development on the character and appearance of the area and whether the appellant has given adequate consideration to alternative sites.

Reasons

Character and appearance

3. The appeal site is adjacent to the flank wall of 104 Parsonage Manor Way, an end of terrace property comprising a hot food takeaway on the ground floor with residential accommodation above. The property lies within a small commercial parade on the junction of Cray Road and Parsonage Manor Way. To the north and west of the site are residential properties.
 4. There is an 8.5m tall mast in the form of a brown replica telegraph pole situated close to the flank wall of the end terrace, along with a large green and a slimline green equipment cabinet, and a white twin cabinet. Other street furniture in close proximity to the flank wall includes several white electricity meter boxes, a green gas meter box, red post box and street sign, and other signage in the wider locality includes a street light approximately 8m tall within the footway in front of the appeal property and a freestanding pub sign on the opposite side of road.
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5. The appeal proposal is to upgrade the existing 8.5m high replica telegraph pole from a single user to a 13m tall dual user 4G installation. Aside from the local parade, the surrounding area is residential in character. The existing mast, whilst taller than the roof ridge of No 104, is of a similar height to the telegraph pole to the west on Parsonage Manor Way and nearby slimline street lights and thus blends in with these vertical elements within the street scene. As such it is not particularly obtrusive when viewed from the front or rear of the property or from the east.
6. Due to the position of the proposed mast some 4 metres closer to the junction with Parsonage Manor Way, the increase in height of about 4.5m and the approximate doubling in width of the antennae shroud, the mast would be clearly visible above the roof ridge of the property and would be prominent in long range views along the main road in both directions. It would be the tallest structure in the street scene by some considerable margin and would interrupt the skyline, resulting in an unacceptably harmful effect on the street scene.
7. I acknowledge that the appeal proposal would be lower in height compared with the 15m high standard grey streetworks monopole previously dismissed on appeal,¹ and would be similar in appearance to the existing 8.5m mast. I also note that since the application was determined, changes to GPDO in November allow the upgrading of monopoles up to 20m in height, but an application for prior approval for such a mast would be subject to the same conditions that were set out in the GPDO with regard to siting and appearance as I am required to consider in the current appeal.
8. I conclude that the proposal would be contrary to Policy ENV39 of the Unitary Development Plan (LP) (2004). This seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout, and takes account of important local and strategic views, particularly where the proposed development is one which significantly exceeds the height of its surroundings or is located on a prominent skyline ridge.

Alternative sites

9. The appellant considers that the appeal proposal would utilise an existing mast, but the proposed mast would be some 4 metres away from the mast currently in place, and could therefore more accurately be described as a replacement mast. The appellant has advised that the installation in the location proposed is necessary to meet specific technical and operational requirements, and maintains that they have followed the sequential approach in the Framework in considering mast sharing first. The installation would enable 4G coverage within the area for both EE and 3G.
10. Paragraph 45 of the National Planning Policy Framework (the Framework) makes clear that advanced, high quality communications infrastructure is essential for sustainable economic growth, and that existing masts, buildings and other structures should be used, unless the need for a new site has been justified. The improvements to the network proposed would therefore weigh strongly in favour of the location.
11. There is no dispute as to the need for the installation, but the Council contends that the appellant has not adequately considered the availability of alternative

¹ APP/D5120/W/15/3129984

sites for the appeal proposal. Whilst there is no information before me in relation to any alternative sites considered and discounted, the supporting information to the application confirms that the industry database of existing masts was checked and information on cell network coverage was available on request. From the evidence before me there is nothing to suggest that the Council requested this information. Furthermore, the Council has not suggested any alternative sites in the locality that might provide adequate network coverage.

12. Accordingly, based on the evidence before me, the need for the mast, and lack of alternative sites, weighs in favour of the proposal. As such it would accord with LP Policy ENV45, which requires telecommunications equipment to be sited in such a way as to minimise the visual impact and for proposals to demonstrate that alternative sites and site sharing have been explored.

Other Matters

13. I have had regard to concerns from neighbouring occupiers relating to the potential impact of the mast on health, but the appellant has provided a declaration of conformity with the International Convention on Non-Ionizing Radiation Protection (ICNIRP), in accordance with the requirements of Public Health England and paragraph 46 of the Framework. There is no compelling evidence before me to indicate that the ICNIRP guidelines would not be complied with, and thus I can give this matter limited weight in reaching my decision.

Conclusion

14. The siting and appearance of the proposed development would harm the character and appearance of the surrounding area, but the need for the development and lack of better alternatives outweigh this harm.
15. For the above reasons I conclude that the appeal is allowed.

Claire Victory

INSPECTOR