
Appeal Decision

Site visit made on 7 June 2017

by A A Phillips BA (Hons) DipTP MTP MRTPI

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

Decision date: 17 June 2017

Appeal Ref: APP/G5180/W/17/3171230

Land in the highway verge, Brookbank Road, Bickley, Bromley BR1 2LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under the provisions of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by CTIL and Vodafone Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/03513/TELCOM, dated 25 July 2016, was refused by notice dated 13 September 2016.
 - The development proposed is the installation of a 12.5 metre telecommunications replica telegraph pole and 1 no. 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) (England) Order 2015 (the 2015 GPDO) for the siting and appearance of a 12.5 metre telecommunications replica telegraph pole and 1 no. equipment cabinet at land in the highway verge, Brookbank Road, Bickley, Bromley BR1 2LP in accordance with the terms of the application Ref DC/16/03513/TELCOM, dated 25 July 2016 and the plans submitted with it.

Procedural matter

2. I have used the address as above as it best describes the site of the appeal.
3. The appellant has submitted an Arboricultural Impact Assessment as evidence and I have taken this into account when assessing the main issue.

Main Issues

4. I consider the main issue to be the effect of the proposal on the character and appearance of the area and, in the event of harm in these respects whether any harm identified is outweighed by public benefits.

Reasons

5. The appeal site is situated on the edge of the main built up area of Bickley and is adjacent to the Green Belt. The proposal would be sited within an existing highway verge adjacent to Blackbrook Lane which is a local distributor road and bus route. At the time of my late morning mid- week site visit I noted that the road was busy with an almost constant flow of traffic.
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6. The proposal is to erect a 12.5 metre high single diameter replica telegraph pole with six multiband antennas in the shroud to improve 3G and 4G coverage locally. A single 'Lancaster' equipment cabinet is also proposed in the highway verge. The proposal would be sited in an existing gap in the trees and some low value trees and shrubs would need to be removed to allow for the development to take place.
7. Approximately 50 metres from the appeal site is an existing 15 metre high shared radio base station. The current proposal is designed to reflect the slim street lighting columns along Blackbrook Lane and the nearby telegraph pole-style radio base station. However, I have noted that the existing installation is higher and has a greater diameter than the current proposal. Also there are three equipment cabinets at the adjacent station as opposed to the single proposed cabinet.
8. There is a row of residential properties on the opposite side of Blackbrook Lane, the closest one being No 107 which would be largely screened from the proposal by a hedge along the front boundary and large mature tree in the front garden. Other residential properties in the area would also be mainly screened by existing landscaping and trees within front gardens and immediately around the appeal site.
9. Based on the evidence before me and my observations on site it seems to me that little of the mast and associated equipment would be seen other than directly in front of the site on the immediately adjacent public highway. The evidence provided by the appellant suggests that whilst the mast may be visible from close by it would be largely screened by trees. However, it is the case that in the winter the trees would offer more limited cover.
10. The size of the area to be affected by the development would be very small; however, due to the density of local tree and shrub cover several trees and shrubs would need to be removed for the installation. A total of five Category C (low quality) trees would be removed and I understand that these are not covered by a Tree Preservation Order. Other nearby trees would not be affected by the proposal, including several in the vicinity of the site which are much taller than the proposal. Dense shrubs would also remain close to the site which would screen the equipment cabinet. Therefore, in spite of the loss of some trees and other landscaping immediately adjacent to the proposal I consider that sufficient screening would remain to largely mitigate the potential impact of the mast on the character and appearance of the area.
11. Policy BE22 of the London Borough of Bromley Unitary Development Plan July 2006 (the UDP) relates specifically to telecommunications apparatus and states that in a development involving a telecommunications mast, base station or apparatus applicants must demonstrate that, among other matters, it will not adversely affect the character and appearance of the area and the visual impact of the development can be minimised by the use of screening by trees or other landscaping. Policy G6 states that development on land abutting the Green Belt will not be permitted if it is detrimental to the visual amenity of the adjacent designated area and Policy NE7 states that the Council will seek the retention of as many trees as possible. Taking account of the above it is my view that the proposal would have limited harmful impact on the character and appearance of the area and the extent of any harm would be limited and very localised in nature.

12. Therefore, I conclude that the proposal would cause some limited harm to the character and appearance of the area and as such would conflict with Policies BE22, G6 and NE7 of the UDP.
13. The Framework contains clear expression of Government policy that advanced, high quality communications infrastructure is essential for sustainable social benefits and economic growth and in this respect there is encouragement to local planning authorities to support the expansion of the electronic communications networks, including telecommunications. Whilst the number of telecommunications installations should be kept to a minimum, this should be consistent with the efficient operation of the network. Where infrastructure is required, the possibility of erecting antennas on an existing building, mast or other structures should be explored.
14. The Council has accepted the appellant's technical justification for the need for additional telecommunications equipment in the area and I have no evidence to challenge the appellant's submission in this regard. Therefore, I see no reason to take a different stance from the Council on this matter. Furthermore, the evidence before me indicates that the appellant has undertaken a comprehensive investigation of alternative sites and has concluded that the proposed site is the most suitable having regard to their operational requirements and the availability and suitability of other options, and the character and appearance of the area that requires improved coverage. I am not aware that the Council has suggested any specific alternatives nor is there substantive evidence before me to indicate that any are available.
15. The need for the proposal and the lack of available alternatives weigh in favour of allowing the appeal. Although I accept that the proposal would result in some limited harm to the character and appearance of the area and in that respect would conflict with the development plan to some degree the proposal would improve telecommunications coverage and as such would deliver significant social and economic benefits to this part of London that would be unlikely to be achieved if the current appeal were to be dismissed. These amount to public benefits which outweigh any harm to the character and appearance of the area.
16. I am aware that the appellant has agreed to pay a financial sum to the Council by means of a direct payment to carry out replacement tree planting. There are no details of any legal agreement or unilateral undertaking through which such a contribution would be secured and in any case I do not consider the contribution to be necessary in this case. Therefore, that is a matter between the main parties and has not had any bearing on my decision.

Conditions

17. The Council has suggested a list of conditions including those requiring the removal of the equipment should it become redundant, details of the finish of the external surfaces of the mast, adherence to the Arboricultural Impact Statement and the submission of a Construction Management Plan. However, the GPDO 2015 does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators. Consequently, further conditions should not be imposed in this case.

Conclusion

18. For the reasons given above, I conclude on balance that the appeal should be allowed.

Alastair Phillips

INSPECTOR