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## Appeal Decision

Site visit made on 25 July 2017

**by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC**

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

**Decision date: 22 August 2017**

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**Appeal Ref: APP/D5120/W/17/3173067**

**Telecommunications Site 50156, The Pantiles, Little Heath Road,  
Bexleyheath, Kent DA7 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, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by H3G UK Limited against the decision of the Council of the London Borough of Bexley.
  - The application Ref 16/02717/GPDO8, dated 4 November 2016, was refused by notice dated 30 December 2016.
  - The development proposed is the installation of telecommunications apparatus comprising the removal of the existing 8.5 metre high replica telegraph pole and the installation of a 10 metre high Alpha monopole, painted brown (BS08B29) and a Pogona cabinet, measuring 1230 x 400 x 1032 mm, located at ground level and painted Fir Green with associated development.
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### Decision

1. The appeal is allowed and approval is granted under the provisions of Class A of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of telecommunications apparatus comprising the removal of the existing 8.5 metre high replica telegraph pole and the installation of a 10 metre high Alpha monopole, painted brown (BS08B29) and a Pogona cabinet measuring 1230 x 400 x 1032 mm, located at ground level and painted Fir Green with associated development at Site 50156, The Pantiles, Little Heath Road, Bexleyheath, Kent DA7 5HH in accordance with the terms of the application Ref 16/02717/GPDO8 dated 4 November 2016 and the plans submitted with it.

### Background and Main Issues

2. Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO") permits development including the installation and replacement of communications apparatus subject to compliance with various restrictions and conditions, one of which is that the developer must apply for a determination as to whether prior approval of the local planning authority is required as to the siting and appearance of the development.
3. The appellant made application to the local planning authority for such a determination. The Council did not dispute that the proposals are permitted development but did refuse the application on the grounds that the proposed development would be dominant in the street scene, reduce the contribution of

adjacent open space to the area and add further clutter into the area of open space. Accordingly, the **main issues** are the effect of the proposals on the street scene and the open space.

## Reasons

4. The Pantiles comprises parallel roads on either side of two areas of grassed open space. On the west side of the more southerly area of open space is the Earl Haig Public House and a parade of shops, on the east side is a further parade of shops. Whilst the Earl Haig is a two storey building, the parades with ground floor shops are three storey buildings.
5. The existing 8.5m high mast which is proposed to be replaced is sited in a paved area at the southern end of the open space, next to the junction of The Pantiles with Little Heath Road. Within the open space, and behind the mast in relation to Little Heath Road are two mature trees. Together with a third tree to the north west, the trees form a small group and provide a backdrop to the existing mast in views from the south. In general views from a southerly direction, the tree canopy appears to exceed the height of the existing mast.
6. The site of the proposed mast would be a short distance to the west of the existing mast. The proposed mast would be 1.5 metres taller than the mast it would replace and, whilst it would be a shrouded monopole, the mast would be the same diameter throughout its height and would be finished in brown. The appellant's state the Alpha monopole is designed to visually replicate a telegraph pole.
7. The proposed mast would be seen in the context of the street light to Little Heath Road which is positioned on the southern edge of the paved area. In views along Little Heath Road from east and west, the height of the mast would result in it being more apparent than the existing mast. However, there are already a number of vertical features in the street scene and, whilst the proposed mast would be the tallest, it would not add to the overall number of such features. The difference in height between the proposed mast and the one it would replace would not be so great as to make the proposed mast appear significantly more intrusive within the street scene. Consequently there would be no significant harm to the street scene. Given that the mast would also be positioned at the back edge of the footway and not within the grassed open space I am satisfied that any adverse effect upon the open space would be minimal.
8. The location of the proposed Pogona cabinet would be within the footway adjacent to the dwarf wall which surrounds an outside seating area of the Earl Haig. There are three existing cabinets in this location, of various sizes and painted green and grey. The proposed cabinet would extend the line of cabinets further to the south. In views from a southerly direction the cabinet would be seen against an existing green cabinet and in relation to which the proposed cabinet would be lower and narrower and also painted green. Whilst the cabinet would add to the overall installations in the area, co-locating it with other cabinets would assist in minimising its visual impact.
9. 'Saved' Policy ENV45 of the London Borough of Bexley Unitary Development Plan (UDP) was adopted in 2004. The UDP Policy, whilst supportive of telecommunications apparatus, sets out that equipment should be located so as to minimise adverse effects on the character or visual amenity of the area.

Amongst other matters, the policy states that the Council needs to be satisfied that alternative locations have been fully explored and that there is no reasonable possibility of sharing existing masts. The Council point to the lack of any assessment of alternative sites having been considered for the proposed mast. However, the site for the existing mast has previously been found suitable and the proposal is for a replacement mast.

10. The UDP Policy predates the National Planning Policy Framework (Framework) by some years. The Framework confirms that high quality communications infrastructure is essential for sustainable economic growth. It points to local plan policies supporting this, whilst keeping the numbers of masts and sites to a minimum consistent with the efficient operation of the network and confirms that new sites need to be justified. Paragraph 48 of the Framework confirms that the need for the telecommunications system is not to be questioned as part of the planning process. I do not consider the appeal proposal represents a new site. The appellant points out that the proposals are upgrading an existing site which already forms part of an integrated network such that a site in this location is required to maintain coverage.
11. The Council refer to the appeal proposals not overcoming objections to a previous scheme which the Council refused in May 2016. However, this previous scheme was not the subject of an appeal and I have determined the proposal which is before me on its own merits. I consider that there would be no substantive conflict with UDP Policy ENV45 for the reasons set out above.
12. London Plan<sup>1</sup> Policy 4.11 provides the strategic policy context for information and communications technology and anticipates that the provision and delivery of the infrastructure should be facilitated, including well designed and located street based apparatus. I am satisfied that the proposals are consistent with this policy.

## **Conclusions**

13. For the reasons given above and having taken into account all matters raised I conclude the appeal should be allowed. No conditions are necessary as the GPDO imposes relevant conditions as standard.

*J E Tempest*

INSPECTOR

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<sup>1</sup> Mayor of London: The London Plan – The Spatial Development Strategy for London Consolidated with Alterations since 2011. Adopted March 2016