
Appeal Decision

Site visit made on 14 November 2017

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2018

Appeal Ref: APP/T2215/W/17/3179396

Highways verge at Darenth Wood Road, Dartford DA2 6NS

- 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 EE Ltd and Hutchison 3G UK Ltd against the decision of Dartford Borough Council.
 - The application Ref DA/17/00033/TDA, dated 5 January 2017, was refused by notice dated 2 March 2017.
 - The development proposed is installation of a 15m high monopole supporting 3no. shrouded antennas and 2no. 300mm dishes, 4no. equipment cabinets and development ancillary thereto including a meter cabinet.
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Decision

1. The appeal is allowed and approval is granted for installation of a 15m high monopole supporting 3no. shrouded antennas, 4no. equipment cabinets and development ancillary thereto including a meter cabinet at highways verge at Darenth Wood Road, Dartford DA2 6NS, in accordance with the application ref: DA/17/00033/TDA, dated 5 January 2017.

Procedural Matters

2. Since the determination of the application, the Council has adopted the Dartford Development Policies Plan Document (DDPP) in July 2017. The saved policies of the Dartford Local Plan (1995) referred to in the decision notice are therefore no longer relevant. Accordingly, I have considered the proposal against the relevant policies of the Dartford Core Strategy (DCS) (2011) and the DDPP.
3. The appellant has submitted revised drawings with the appeal removing two 300mm dishes from the pole shown in the planning application and amending the pole's appearance from a galvanised finish to a green coating to more closely resemble the colour of nearby lighting columns along Darenth Wood Road. I consider that these changes represent an improvement in the appearance of the development and can be accepted without prejudice to any interested party. The Council have commented on the changes in their appeal statement but maintain their objection to the proposal. I have amended the description of the development in my formal decision accordingly.

Main Issues

4. The main issues is the effect on the streetscene and whether any harm caused is outweighed by the need to site the installation in the location proposed having regard to the potential availability of alternative sites.

Reasons

5. Within certain limits, the General Permitted Development Order (GPDO) grants permission for the development of telecommunications equipment subject to a prior approval procedure. There is no dispute between the parties that the proposal falls within the remit of Schedule 2, Part 16, Class A. Therefore, in accordance with the provisions of Class A.3 (3), there is a requirement to assess the impact of the siting and appearance of the development on the local area.
6. The application site comprises a grass verge on the eastern side of Darenth Wood Road. There is open agricultural land beyond a hedge to the footway to the east of the site with residential properties to the south of this. On the western side of the road are the grounds of Darenth Valley Hospital and associated staff accommodation. To the south-west there are residential streets. The site and surrounding land is within the Green Belt.
7. The proposal would result in a 15m high monopole being located within the grass verge with associated equipment cabinets to both sides. The siting would be in a relatively open location between the carriageway and footway to the eastern side of the road and would be a prominent feature when viewed from close quarters. To the north of the site there are small trees in the grass verge; these would offer limited screening in relation to the height of the monopole and the screening would also be dissipated during winter months once the leaves have fallen. Similarly, the hedgerows to both sides of the road would offer some screening to the cabinets when the site is viewed from adjacent land but the monopole would remain a conspicuous feature. There are street lamps and telegraph poles sited at regular intervals along Darenth Wood Road but these are lower structures and have more slender profiles.
8. On the other hand, the monopole would be seen as another item of vertical street furniture when viewed in association with the lamp columns and telegraph poles. The site is on rising land approaching the brow of a hill to the north. The lamp columns and telegraph poles are already skyline feature when viewed from many locations along the road, to the north and south of the site. The proposed monopole would be another vertical element viewed amongst them, albeit a little higher.
9. On the northern side of the brow of the hill is another 15m high monopole with a shroud for antennae and associated cabinets alongside, also set within the grass verge. This is used by the network O2 and is located approximately 133m to the north of the appeal site. This facility is located in a comparable location to the appeal proposal in relation to its prominence in the street scene when viewed from close quarters. The monopole is also a conspicuous skyline feature when viewed from the road to the north and the south. It would not be readily viewed in association with the proposed monopole due to the separation distance and the curvature of the road. Nonetheless, the existing monopole and cabinets does form part of the character and appearance of the locality.

10. The appellant's photomontages show that from more distant views to the north and south along Darenth Wood Road that the proposal's impact on the street scene would be mitigated to some degree by the trees in the grass verge and hedgerows to the side of the footways. From closer quarters the scale and unscreened nature of the proposal would have a greater impact on local character, but this would be similar to the impact arising from the O2 installation to the north. The proposal would result in some harm to the character and appearance of the locality in respect of its siting in an open grass verge but, in my opinion, this harm would be significantly limited by the presence of other vertical skyline features including an identical monopole. This limits the weight I can give to the conflict with Policies DP2 and DP5 of the DDPP in relation to promoting good design in general and in relation to telecommunications, and with Policies DP22 of the DDPP and policy CS13 of the DCS which seek to protect the openness of the Green Belt.
11. Turning to needs and alternatives, the proposal is required to replace an existing installation located in a caravan site to the south of the appeal site providing 2G coverage to the surrounding area. It would provide replacement 2G coverage for the network EE and introduce enhanced 3G and 4G coverage. A second network H3G would also gain enhanced 3G and 4G coverage to the surrounding area by sharing the site. Coverage maps submitted with the appeal indicate deficiencies in network coverage in the surrounding area and that the appeal proposal would resolve these deficiencies. The Council's third refusal reason relates to the absence of such coverage maps at the application stage to demonstrate the need for the installation. Whilst there is not an obligation on the appellant to provide such maps, they have been provided at the appeal stage. I am satisfied that there is a demonstrable need for an installation within this area due to existing network deficiencies. Section 5 of the National Planning Policy Framework (the Framework) encourages the continued rollout of such communications infrastructure to support sustainable economic growth.
12. The appellant has submitted evidence in relation to their search for an alternative siting for an installation prior to submitting the appeal application. The locations are mainly to the south of the appeal site closer to the installation to be removed to ensure the provision of adequate replacement coverage but no suitable alternative has been found. The Council's second refusal reason relates to inadequate exploration of roof tops and ground based locations within the Darenth Valley Hospital site to the west of the appeal site. These are substantial grounds, but the appellant has demonstrated that most of the hospital site would be too far north for effective coverage. The southern part of the hospital site is mainly associated residential accommodation that is less suited to an installation, as would be the residential streets to the south-west.
13. Site sharing of the O2 monopole to the north has been discounted as this would require provision of a larger replacement structure that would have a greater impact on the character of the area. The proposal already allows for site sharing between two other operators so follows best practice advice in this respect. Much of the land around the search area and in the vicinity of the appeal site is undeveloped Green Belt. There would be problems in gaining access to some parts of this and the impact of the proposal on the openness of the Green Belt would arguably be greater than along Darenth Wood Road where there is an array of vertical street furniture.

14. Paragraph 45 of the Framework in relation to provision of a new mast or base station under prior approval procedures requires evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. I consider that the appellant has satisfied this requirement. It is unlikely that there remains an alternative which would meet the needs of the two operators as effectively as the appeal proposal but with materially less harm. The need for the installation has been demonstrated and the lack of less harmful alternative sites weighs in favour of allowing the appeal. My findings are that the limited harm that would arise from the proposal would be outweighed by the need for the installation and the lack of better alternatives.
15. Paragraph 43 of the Framework states that where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate, a requirement that is reflected in the text supporting policy DP5 of the DDPP. I consider that the design of the monopole as amended without the microwave dishes as originally proposed and coloured green to match the lamp columns is acceptable in this context. There would be a shroud to mask the antennae at the top of the monopole but this would be identical to the profile of the existing monopole to the north of the site. Similarly the cabinets proposed would be comparable in scale to those at the site to the north and would serve the needs of two operators. Whilst the open nature of the site offers little scope for additional screening or camouflage, I consider that the limited harm I have identified is outweighed by the need for the installation and lack of alternatives such that there would be no material conflict with the development plan or Framework as a whole.

Other Matters

16. Both parties have referred to several appeal decisions to support their case. I have had regard to these but the circumstances at the appeal site differ in some respects and each case has to be considered on its individual merits.
17. Concerns have been raised about the potential effect on health arising from the monopole's proximity to residential properties. The appellant has 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 for a decision maker to determine.
18. The Council has suggested planning conditions to be imposed should prior approval be granted. The GPDO does not provide specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communication code operators. Consequently, I have not imposed the suggested conditions.

Conclusion

19. For the reasons set out above and having regard to all other matters raised, the appeal is allowed.

Rory MacLeod

INSPECTOR