



Appeal Decision

Site visit made on 28 June 2019

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: Friday, 26 July 2019

Appeal Ref: APP/B5480/W/19/3222662

Land adjacent 479 Upper Brentwood Road, Gidea Park, Romford, London RM2 6GL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and 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 against the decision of the Council of the London Borough of Havering.
 - The application Ref M0009.18, dated 17 October 2018, was refused by notice dated 3 December 2018.
 - The development proposed is Phase 5 streetpole 17.5m high with 2No. antennas located within a shroud and 2No.0.3m dishes, 3No. ground based equipment cabinets and ancillary development thereto.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of Phase 5 streetpole 17.5m high with 2No. antennas located within a shroud and 2No.0.3m dishes, 3No. ground based equipment cabinets and ancillary development thereto at land adjacent 479 Upper Brentwood Road, Gidea Park, Romford, London RM2 6GL in accordance with the terms of the application Ref M0009.18, dated 17 October 2018, and the plans submitted with it including 01 Rev A, 02 Rev A, 03 Rev A, Site Map and Information.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.

Planning Policy

3. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed development upon the character and appearance of the area, and whether any harm caused is outweighed by the need to site the installation in the location proposed.

Reasons

5. The proposed development would be sited on the public footpath serving Upper Brentwood Road near where the busy highway crosses over the railway line. The pathway is wide at the point before it narrows to cross over the railway, and the ground level equipment including cabinets in this location would not harm the spaciousness of the setting. The proposal would not appear overly foreign in the sub-urban context of the site, being of a general design that is largely typical for telecommunications equipment and apparatus on roadsides in built-up areas.
6. The apparatus is required to provide coverage to the adjacent railway line and the siting and height has been driven by this requirement. The submitted train survey results show 4G coverage on this section of the railway is very poor. The proposal would also provide coverage to the wider area. Government policy is to support the expansion of high-quality communications infrastructure and systems, as essential for sustainable economic growth and social well-being. (Chapter 10 of the Framework).
7. The mast would be set close to a line of tall trees screening the railway from the road and residential development. This would produce some screening and a backdrop which would soften the appearance of the mast. By necessity of operation, the mast would be taller than the trees to ensure coverage of the railway line. However, while it would be visible locally, the green-coloured slimline pole design with antennas located within the structure would appear as a slight addition to the streetscene and would harmonise with the line of trees. Further, the trunks and upward branches of nearby trees would form a vertical visual context in which the development would sit, as would the light columns and telegraph poles nearby along Upper Brentwood Road. For all these reasons the proposal would not be dominant or imposing within its context, including to the occupiers of nearby residential properties at 479B and 479C Upper Brentwood Road and any dwelling built on the site of the adjacent double-garage following any planning permission granted.
8. Taken all into account, the proposal is acceptable on its merits, causing no harm to visual amenity. For the reasons set out above I conclude that, due to its siting and appearance, the proposed development would not have a harmful effect upon the character and appearance of the area and so, insofar as they are a material consideration, would be in accordance with the design aims of Policies DC61 and DC64 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document (2008).

Other Matter

9. Concerns have been raised about potential effects on health. However, 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 which a decision-maker should determine. No sufficiently authoritative 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.

Conditions

10. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

11. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

Andrew Walker

INSPECTOR