



Appeal Decision

Site visit made on 11 June 2019

by M Heron BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2019

Appeal Ref: APP/D1590/W/19/322202

Station Road, Westcliff-on-Sea SS0 7NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by EE Ltd against the decision of Southend-on-Sea Borough Council.
 - The application Ref 18/02001/TEL, dated 30 October 2018, was refused by notice dated 6 December 2018.
 - The development proposed is the installation of 1no. 15m high Alpha 8 street pole, 3no. shrouded antennas, 2no. 0.3m dishes, 3no. equipment cabinets and ancillary development thereto.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of 1no. 15m high Alpha 8 street pole, 3no. shrouded antennas, 2no. 0.3m dishes, 3no. equipment cabinets and ancillary development thereto at Station Road, Westcliff-on-Sea SS0 7NL, in accordance with the terms of application Ref 18/02001/TEL, dated 30 October 2018 and as shown on drawing Nos 01 Rev C, 02 Rev C and 03 Rev C submitted with it, subject to the relevant conditions of Class A and the following additional condition:
 - The additional planting as shown on drawing 02 Rev C shall be carried out in the first planting and seeding seasons following the first operation of the telecommunications equipment hereby given prior approval or the completion of this development, whichever is sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Procedural Matters

2. This appeal concerns the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). The proposal relates to the installation of communication apparatus which the Council accept falls within the remit of Schedule 2, Part 16, Class A of the GPDO (henceforth referred to as Class A).

3. Since the application was submitted there has been amendments made to the GPDO¹. However, as I can identify no changes to Class A, neither party has been prejudiced by my consideration of the amended version of the GPDO.
4. I have been referred to Policy DM3 of the Development Management Document (DMD). However, this deals with matters such as backland developments, conversions and alterations and additions to buildings. It is therefore not relevant to this appeal.

Main Issue

5. The main issue is the effect of the telecommunications equipment on the character and appearance of the area, with particular regard to its siting and appearance.

Reasons

6. The proposed telecommunications equipment comprises a monopole that would stand 15m high and three adjacent cabinets. The land on which this equipment would be installed is at the back edge of a relatively deep grass verge on the northern side of Station Road. A mature tree belt separates this verge from the Southend to London railway line which runs immediately beyond to the north. There are also a number of other established trees throughout the verge. The area is urban in nature and is not covered by any historic or other landscape designations.
7. The proposal follows the refusal of a similar scheme² and would remove an existing telecommunications cabinet positioned to the front of the verge. It is required to improve the coverage on the adjacent railway line and to assist in meeting the minimum service levels required by the Department for Transport.
8. The mast would be taller than adjacent trees, street furnishings and some nearby buildings. It would therefore be visible from the adjacent carriageway and from some neighbouring properties. Nonetheless, the mast would have a smaller headframe than the previous scheme and would be slim and relatively unfussy. Consequently, it would not appear excessively bulky or top heavy. Taking this into account, and given its set back positioning, I do not consider that the mast would appear unduly prominent or intrusive within this urban area. Neither would it significantly disrupt the rhythm of the existing street furniture. In addition, the Council consider that the proposed landscaping shown on submitted drawings would mitigate the impact of the cabinets. I am satisfied that this landscaping could be secured through the imposition of an appropriately worded condition.
9. I have no evidence to suggest that the proposal as a whole would result in the removal of, or harm to, any nearby tree. Taking this and all of the above into account, it would not make the grass verge, or indeed the bench adjacent to it, significantly less pleasant places to be. The proposal would therefore comply with the thrust of Policies KP2 and CP4 of the Core Strategy Development Planning Document One, Policy DM1 of the DMD and the Supplementary Planning Document 1 Design and Townscape Guide insofar as they seek to ensure proposals do not harm the quality of the urban environment. It would also comply with the aims and objectives of the National Planning Policy

¹ 2019 No. 907

² 18/01276/TEL

Framework (the Framework) which seeks to secure advanced, high quality and reliable communications infrastructure to support economic growth.

10. For the above reasons, I conclude that the siting and appearance of the proposal would not result in significant harm to the character and appearance of the area. It therefore meets the conditions of Class A and prior approval should be given.

Other Matters

11. Local residents have raised concerns about the health implications of telecommunications equipment. However, Paragraph 116 of the Framework states that local planning authorities should not set health safeguards different from the International Commission guidelines for public exposure to non-ionising radiation. Confirmation that the proposal would meet these guidelines was provided in this case and there are therefore no health reasons for rejecting the scheme. I have also had regard to other matters raised by local residents, such as the impact upon property values, but find none that lead me to a different overall conclusion.

Conditions

12. Class A imposes relevant conditions as standard. However, in addition to these, it is reasonable and necessary to impose a condition ensuring that the additional planting as shown on submitted plans is implemented within the first planting season following first operation of the telecommunications equipment or the completion of this development (whichever is sooner). I am satisfied that this matter is reasonably related to the subject matter of this prior approval as the condition is required to soften the siting and appearance of the equipment, in the interest of the character of the area.

Conclusion

13. For the reasons given above, I conclude that the appeal should be allowed.

M Heron

INSPECTOR