



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: 06 August 2019

Appeal Ref: APP/D1590/W/19/3224716

**The Ridgeway, Junction with Beach Avenue, Chalkwell, Southend-on-Sea
SS0 8PX**

- 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 18/02399/TEL, dated 21 December 2018, was refused by notice dated 4 February 2019.
 - The development proposed is described as 'the installation of 1no. 12m Alpha 8 street pole, 3no. antennas situated within the pole, 2no. 0.3m dishes and 3no. equipment cabinets and ancillary development thereto'.
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Decision

1. The appeal is dismissed.

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. Revised plans were submitted with the appeal that propose the removal of the transmission dishes from the mast. This change would be minor in nature. The Council has had the opportunity to comment on the revised plans through the appeal process, and I do not consider that any other party would be prejudiced by my acceptance of them. I have therefore determined the appeal based on the revised plans.
5. 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.

¹ 2019 No. 907

Main Issue

6. Paragraph A.3 of Class A requires the developer to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of such development.
7. The main issue is therefore the effect of the development on the character and appearance of the area, with particular regard to its siting and appearance.

Reasons

8. The proposed telecommunications equipment comprises a monopole that would stand some 12m high and three adjacent street cabinets. The land on which this equipment would be installed is at the back edge of a widened section of pedestrian footway on the southern side of The Ridgeway. There is a significant presence of street furniture in this part of the footway, most of which is associated with the adjacent Chalkwell Station. Established trees immediately to the south provide a wooded backdrop. To the south west the land falls away into an area of open space and beyond this is the Southend to London railway line. This area is not within the Green Belt or an Area of Outstanding Natural Beauty and is not covered by any historic designation. However, located on the seafront, it is within a sensitive area that contributes positively to Southend's evolution and heritage.
9. The proposal 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.
10. Revised plans show that the monopole would be slim and unfussy, and I appreciate that its height would be the minimum required to achieve coverage over the railway line. Nevertheless, it would appear to be considerably taller than the nearby station and any other item of street furniture in the locality. It would also be greater in height than the adjacent trees. Consequently, the mast would be visually prominent when travelling in either direction along The Ridgeway, as well as being visible from the nearby area of public open space. Taking this into account, in my view it would appear as a conspicuous, intrusive and unduly dominant feature that would not assimilate effectively with nearby street furniture or the verdant character of this part of the footway.
11. In addition to the above, although painted green and set against the trees to the rear, the proposed cabinets would add to the considerable amount of street furniture in this part of the footway. This would not hinder pedestrian movements. However, it would increase the visual 'clutter' within the street, to the further detriment of the character and appearance of the area.
12. Taking everything together, I consider that the proposal would result in significant harm to the character and appearance of the area. It would therefore conflict with the thrust of Policies KP2 and CP4 of the Core Strategy Development Planning Document 1 and Policies DM1 and DM6 of the DMD insofar as they seek to promote a high standard of design within the public realm, including within the Seafront Area, and improve the quality of areas. It would also conflict with the advice of the Supplementary Planning Document 1 Design and Townscape Guide 2009, which seeks to prevent telecommunications equipment from having a dominant impact on the surrounding area.

13. I recognise that the National Planning Policy Framework seeks to secure advanced, high quality and reliable communications infrastructure to support economic growth. It is also evident that the appellant has explored other options at nearby sites. However, in this case I cannot be certain that an alternative site might yet be found to address the Council's concerns. Consequently, on the evidence before me, I am not satisfied that the operational and locational needs of the operators, together with the Government's support for telecommunications infrastructure, justifies and outweighs the significant harm I have identified to this sensitive location.
14. Furthermore, although taller masts than that proposed under this appeal may have been installed by Network Rail, I do not know the circumstances in which such masts have been permitted. In any event, I have determined the appeal scheme on its individual merits, with regards to its own context and in the light of the relevant provisions of Class A.
15. For the above reasons, I conclude that the siting and appearance of the proposal would result in significant harm to the character and appearance of the area. It therefore fails to meet the conditions of Class A and prior approval should be refused.

Conclusion

16. Prior approval of the siting and appearance of the equipment is required. For the reasons set out above, the proposal would result in an unacceptable visual impact on the area. Consequently, prior approval is refused. The proposal is therefore not permitted development under the provisions of Class A and the appeal is dismissed.

M Heron

INSPECTOR