



Appeal Decision

Site visit made on 6 January 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2020

Appeal Ref: APP/B5480/W/19/3239144

North Hill Drive, Romford RM3 7YX

- 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 H3G UK Ltd against the decision of the Council of the London Borough of Havering.
 - The application Ref M0002.19, dated 22 February 2019, was refused by notice dated 15 April 2019.
 - The development proposed is described as '*The installation of a 15 metre high monopole supporting shrouded antenna and 2No.300mm dishes, the installation of 4No.equipment cabinets at ground level and other ancillary development (PRIOR APPROVAL)*'.
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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 a 15 metre high monopole supporting shrouded antenna and 2No.300mm dishes, the installation of 4No.equipment cabinets at ground level and other ancillary development (PRIOR APPROVAL) at land at tarmac verge on North Drive, opposite junction with Wrexham Road, Romford RM3 7YX, in accordance with the terms of the application Ref M0002.19, dated 22 February 2019, subject to the following conditions:
 - 1) The development permitted shall be carried out in accordance with the following approved plans: 1525197_HVG102_96300_RM0496_M002 Rev B 100 EXISTING SITE PLAN; 1525197_HVG102_96300_RM0496_M002 Rev B 002 SITE LOCATION PLAN; 1525197_HVG102_96300_RM0496_M002 Rev B 151 EXISTING ELEVATION A; 1525197_HVG102_96300_RM0496_M002 Rev B EXISTING SITE ELEVATION A; 1525197_HVG102_96300_RM0496_M002 Rev B 250 PROPOSED SHARED SITE ELEVATION A; 1525197_HVG102_96300_RM0496_M002 Rev B 200 PROPOSED SHARED SITE PLAN; 1525197_HVG102_96300_RM0496_M002 Rev B, 251 PROPOSED SHARED SITE ELEVATION B.
 - 2) Prior to the commencement of the development, details of the finished colour of all equipment hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The approved details

shall be implemented before the development is erected on site and retained thereafter.

Main Issue

2. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area.

Procedural Matter

3. The description of the development was not included on the application form. The development has been described by the Council as '*The installation of a 15 metre high monopole supporting shrouded antenna and 2No.300mm dishes, the installation of 4No.equipment cabinets at ground level and other ancillary development (PRIOR APPROVAL)*'. I have used this description in the decision.
4. The Council confirm that the site is located within Metropolitan Open Land, which is generally dealt with in a similar manner to Green Belt. The Council have based their assessment on the effect of the proposal on the character and appearance of the area only. Given that the appeal before me relates to the exercising of 'Permitted Development' rights, it is not necessary for further consideration of this matter in this instance.

Reasons

5. The appeal follows a decision by the Council not to give their approval for the siting or external appearance of a development that would otherwise be permitted under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO) (as amended). The permission granted under the GPDO is, with consideration of the proposed development, only limited to its siting and appearance, not the principle of the development.
6. The appeal site would be located on a tarmacadam highway verge that runs parallel to North Hill Drive and opposite the vehicular access into Wrexham Road. Also running parallel to the verge is the dedicated pedestrian footway and adjacent to this is a wide grass embankment that meets the tall hedgerow that bounds North Hill Recreation Grounds. Mature and tall trees have been planted in fairly regular spaces along the highway verge and includes typical street furniture of street lamps, road signs and a bus stop. The site is located within a residential area.
7. The operators, EE Ltd and Hutchinson 3G UK Ltd as appellants, explain the necessity for the proposal is due to the impending loss of an existing operational site and the need to prevent a loss of existing network services within the surrounding areas of Romford. This has been initiated by a legal demand from the landowner to vacate the site at Quarles Campus at Havering College, site number 51077. This is not disputed by the Council.
8. The appellants have submitted technical information in support of their scheme, which sets out the aim to replace and enhance network coverage in the Romford area where a 'gap' in coverage would occur as a result of the loss of the base station.
9. The appellants explain that the loss of site 51077 has resulted in the need to split the cell area into two coverage areas with a base station required within

each area to adequately meet the replacement coverage for this part of Romford. Therefore, the proposed shared monopole would address this need with the provision of continued 2G, 3G and 4G coverage.

10. The Council does not disagree with or offer any detailed evidence to challenge the appellant's assessments. Conversely, it is the appearance of the proposed development that they consider would be harmful to the character of the area.
11. The land to which the development would be sited is highway verge and the site is currently open in nature. The proposal would be viewed against a backdrop of the grass verge and hedgerow to the recreation ground. Whilst the monopole would be higher than the hedgerow, it would be narrow in width with only approximately the top half that would be visible within the skyline. The combinations of existing streetlamps, telegraph poles and street signs creates vertical emphasis to the street scene, thus the proposal with its narrow girth would appear in context within this environment and assimilate well into it.
12. A series of ground-based cabinets would be required to support the monopole and would be set back abutting the pedestrian footway. These features are common street furniture and are located away from other cabinets and therefore no cluttered appearance would ensue to the street scene.
13. The site's proposed location would result in short and medium distance views from North Hill Road and Wrexham Road. However, the development is somewhat obscured by the existing mature trees that flank the highway verge and given its proposed slim line nature with minimum apparatus to be attached, the character and appearance of the area would not be harmed.
14. Therefore, the proposal would accord with Policies DC61 (Urban Design) and DC64 (Telecommunications) of the Havering Core Strategy & Development Control Planning Development Plan Document 2008 whereby the relevant parts of these policies seek development to respect the scale, massing and height of the surrounding physical context, and integrate with the character and appearance of the area.

Other Matters

15. A number of objections have been made to the proposal. Despite concerns about potential health impacts, the appellants have 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). National Planning Policy Framework (the Framework) paragraph 116 explains that in such instances, that health safeguards are not for the decision-maker to question. As there is no substantive evidence to suggest that the ICNIRP guidelines would not be met, there are insufficient grounds to depart from the position explained in the Framework.
16. Although concerns are raised by an individual about the loss of property values that may result from the proposal being installed, there is no evidence to suggest that would indeed be the case and in any event, planning is concerned with land use in the public interest. As such the protection of private interests such as property values are not relevant to the consideration of such cases.
17. Concern is raised that equipment could be added at a later date. However this is a speculative assertion and not for me to consider further in this case. Other

objections relate to highway safety although the Council's Transportation Officers raise no objections and I have no reason not to agree with their view.

Conditions

18. With regards to the Government's Planning Practice Guidance and the Framework, a condition relating to the approved plans is necessary to provide certainty. The development by electronic communications code operators permitted under Part 16 Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO) (as amended) is subject to a time limit condition to when development shall begin. Therefore, it is not necessary for this condition to be imposed. I agree that it is necessary to require details of the finished appearance of all equipment in order to protect the character and appearance of the area.

Conclusion

19. I have found that no harm would arise as a result of the siting of the development to the character and appearance of the area. For the reasons set out above, I conclude that the appeal should be allowed.

Alison Scott

INSPECTOR