



Appeal Decision

Site visit made on 10 February 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2020

Appeal Ref: APP/D1590/W/19/3239453

Land outside 954 London Road, Leigh on Sea SS9 3NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by EE Ltd & Hutchinson 3G UK Ltd against the decision of Southend-on-Sea Borough Council.
 - The application Ref 19/01058/FUL, dated 29 May 2019, was refused by notice dated 26 July 2019.
 - The development proposed is to upgrade the existing telecoms apparatus and install a 20m phase 7 monopole with c/w wraparound base cabinet and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have changed the site address from the application form, which stated 'LP o/s 954 London Road...', to 'Land outside 954 London Road', as this better describes the site's location.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reason

4. The proposal is to replace the existing 13.2m tall shared telecommunications and lighting mast with a new 20m tall 5G site shared monopole and associated base structure.
5. There are a number of existing streetlights and trees along the street and surrounding streets. The streetlights are fairly tall and the trees are mature. The existing mast is partially screened by the mature trees and existing buildings in medium to long distance views, particularly along Cheltenham Drive and London Road. However, the proposed monopole would be taller and would represent a step-change in prominence and visibility in the area, primarily because it would be much more clearly visible above the street trees and existing buildings in medium to long distance views. Although a condition could be used to control the colour of the monopole to mitigate its visual impact, this would not overcome the harm to the character and appearance of the area given its substantial size and associated contrasting appearance relative to the existing surrounding street furniture.

6. The existing mast and the two existing cabinets on Leigham Court Drive would be removed. Six new cabinets are detailed on the drawings although they did not form part of the description of development. The appellant states that they do not form part of the proposal because they are Permitted Development (without Prior Approval). However, it is reasonable to assume that the cabinets would only be constructed as part of the proposed works as they are intrinsically connected to the functioning of the monopole. They would not be built if the monopole were not built, and equally the monopole would not be built without the cabinets.
7. I have therefore considered the cumulative impact of the proposal and the cabinets combined on the character and appearance of the area. The monopole and its wraparound base and the six further cabinets would be overly dominant in the street scene and would create unacceptable street and visual clutter. This is particularly as a result of the height of the cabinets, at up to 1.8m tall, clearly in excess of the height of the existing cabinets. This is in a prominent location directly adjacent to a pedestrian crossing, further exacerbating the harm. While not determinative, the effect of the cabinets lends additional weight to the harm that the appeal scheme would have on the character and appearance of the area.
8. The proposal would therefore harm the character and appearance of the area, failing to comply with the relevant parts of Policies KP2 and CP4 of the Core Strategy 2007, Policies DM1 and DM3 of the Development Management Document 2015, and paragraphs 127 and 130 of the National Planning Policy Framework (the Framework), and also the Design and Townscape Guidance 2009. Amongst other things, these policies seek high quality design which respects the character and scale of the neighbourhood, and provides for quality in the public realm.

Other Matters

Sequential assessment

9. I am mindful that the Framework supports the expansion of 5G electronic communication networks (paragraph 112). The appellant has provided information to support the proposed height of the proposed monopole, on the basis that 5G signals are prone to the shadowing effect of adjacent buildings and trees, which reduces broadcast range, and also in order to clear International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines. I am therefore convinced of the necessity of a mast, and a mast of this height.
10. The Framework also states that the use of existing masts is encouraged (paragraph 113). Although in a slightly different location further to the east than the existing mast, the proposal is in essence for the re-use of an existing electronic communications network site. Weighing in favour of the proposal is also that it would be a shared base station between H3G and EE, as well as the Emergency Services Network, with which it would also be compatible.
11. However, no sequential assessment has been provided by the appellant. Although the re-use of an existing site is proposed, a sequential assessment is necessary in this case in order to ensure that the harm to the character and appearance of the area that I have identified above could not be overcome by an alternative proposal and/or location. This should include an assessment of

the possibility of erecting antennas on an existing building, mast or other structure, as set out in paragraph 115 of the Framework. Although the appellant states that there are no buildings of requisite height in the vicinity, this does not preclude a mast being placed on a lower roof to at least minimise the height of the mast. Information on cell and radio coverage has been provided, but it is not clear what the relevant search area would be for an alternative site because the effect of alternative locations on the coverage has not been identified.

Other

12. I note the other concerns raised locally, in particular the potential effects of the development on health, and also loss in value to properties and insurance liability. However, they have not led to a different overall decision. I also note that Southend Airport have confirmed that they have no concerns with the proposal.
13. The appellant has highlighted that they attempted to enter into pre-application negotiations with the Council and other stakeholders but that they did not receive a response. I have no detail of this process and have simply based my decision on the appeal as made.

Conclusion

14. For the reasons set out above, I conclude that the appeal be dismissed.

O S Woodward

INSPECTOR