
Appeal Decision

Site visit made on 10 March 2020

by M Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2020

Appeal Ref: APP/D1590/W/19/3243447

Highways Land on A127/Progress Road Junction, Eastwood, Southend-on-Sea SS9 4RU

- 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 19/01186/FUL, dated 20 June 2019, was refused by notice dated 16 August 2019.
 - The development proposed is upgrade to existing telecoms site. Proposed Phase 7 monopole c/w wraparound base cabinet and associated equipment and works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the application form. However, the plans and accompanying details confirm that the upgrade to the telecommunications site includes the removal of an existing monopole and cabinets. The Council dealt with the proposal on that basis and so shall I.

Main Issues

3. The main issues are the effects of the proposed development on:
 - the character and appearance of the area; and
 - public safety with regard to flight paths for London Southend Airport.

Reasons

Character and appearance

4. The proposed development would be located on a highway verge adjacent to a wide, controlled junction between Southend Arterial Road (the A127) and Progress Road. Pedestrian crossings and street furniture are in the vicinity. The A127 is one of the key routes in the area; on approach to the junction it is characterised by substantial tree belts along both of its sides and vegetation along its central reservation. The immediate area to the north of the junction features fewer trees and is generally characterised by commercial development. Residential development is located to the south behind a tree

- belt and open space. The prevalence of vegetation contributes positively to the character and appearance of the area.
5. It has been put forward that the proposed cabinets would be permitted development but, in any event, as they would be small and have little prominence I consider that they would be acceptable.
 6. The proposed monopole would be highly prominent as a result of its position adjacent to the junction. The existing monopole is similar in height and width to adjacent street furniture. By contrast, the proposed monopole would be much taller and wider than the street furniture and appear discordant with its immediate surroundings.
 7. The commercial area to the north would provide an appropriate backdrop for the proposed monopole when viewed immediately from the south. However, the nearest buildings are set back from the junction at lower land levels and generally 2 storeys in height. The monopole would be positioned far from any structures or landscaping of comparable height and width. It would therefore appear isolated and dominate views both at and on approach to the junction. It would detract from views of the skyline, and contrast poorly with the trees and open space to the south when viewed from Progress Road and the verdant nature of the A127 more widely. These effects would be harmful to the character and appearance of the area.
 8. I note that the existing monopole would be removed and that its replacement has been designed to meet operational requirements, however, these matters do not address the harm that I have identified. I have considered the possibility of using a condition to control the colour of the proposed monopole but, due to its isolated position, this would not make the development acceptable.
 9. I conclude that the proposed development would have a harmful effect on the character and appearance of the area, contrary to policies KP2 and CP4 of the Southend-on-Sea Core Strategy (CS), policy DM1 of the Southend-on-Sea Development Management Document (DMD), the guidance within the Southend-on-Sea Supplementary Planning Document 1: Design and Townscape Guide and the National Planning Policy Framework (the Framework) which seek, amongst other things, to ensure that development is respectful of and responds positively to the character of its surroundings.

Public safety

10. London Southend Airport has objected to the proposal on the basis that it would conflict with its safeguarding criteria. The Council has refused the application due to public safety concerns regarding flight paths as a result. I have not been provided with any evidence which addresses the concerns raised. It would not be appropriate to impose a condition to require the proposed monopole to be no greater in height than the existing monopole as this would fundamentally alter the nature of the proposal.
11. I cannot be satisfied that the effects on public safety with regard to flight paths would be acceptable and therefore I conclude that the proposal is contrary to policies KP2 and CP4 of the CS, policy DM1 of the DMD and the Framework which seek, amongst other considerations, to ensure that development protects public amenity and creates safe environments.

Other Matters

12. The Framework supports improvements to communications infrastructure. I recognise that the proposal would have economic and social benefits and that the Emergency Services Network would share use of the development. These are considerations which weigh in favour of the scheme. In addition, I note that the Framework encourages the reuse of existing telecommunications sites. However, this does not imply that the use of an existing site must be accepted where development of that site would be harmful and, in this case, I have not been provided with information which indicates that there are no less harmful alternatives. Based on the evidence before me, I do not consider that the benefits of the proposal outweigh the harm that I have identified.

Conclusion

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

Mark Philpott

INSPECTOR