



Appeal Decision

Site visit made on 26 August 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2020

Appeal Ref: APP/W5780/W/20/3244508

Telecommunications site fronting allotment gardens, New North Road, Hainault, Ilford IG6 3AP.

- 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 MBNL, EE(UK)Ltd and H3G Ltd against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3200/19, dated 30 July 2019, was refused by notice dated 25 September 2019.
 - The development proposed is installation of a 20m monopole, 12 no. antenna apertures, equipment cabinets, the removal of the existing 9.7m monopole, 3 no. antennas, redundant equipment cabinets and development ancillary thereto.
-

Decision

1. The appeal is allowed and planning permission is granted for installation of a 20m monopole, 12 no. antenna apertures, equipment cabinets, the removal of the existing 9.7m monopole, 3 no. antennas, redundant equipment cabinets and development ancillary thereto at the telecommunications site fronting allotment gardens, New North Road, Hainault, Ilford IG6 3AP in accordance with the terms of the application, Ref 3200/19, dated 30 July 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
954767_RDB003_50482_IG0063_M001 Issue A (Existing Site Plan),
954767_RDB003_50482_IG0063_M001 Issue A (150 Existing Elevation A),
954767_RDB003_50482_IG0063_M001 Issue A (215 Max Configuration Site Plan),
954767_RDB003_50482_IG0063_M001 Issue A (265 Max Configuration Site Plan),
54767_RDB003_50482_IG0063_M001 Issue A (002 Site Location Plan),
ICNIRP Certificate.

Main Issues

2. The main issues are:
 - (a) the effect of the proposal on the character of the area and appearance of the street scene in relation to the siting, size and design of the monopole and the number and siting of cabinets and bollards, and
 - (b) whether the proposal would give rise to conditions prejudicial to the safety of pedestrians.

Reasons

Character and appearance

3. The appeal relates to the upgrading of an existing telecommunications site on the southern side of a busy single carriageway road adjacent to allotments. Hainault Station is about 360m to the west and there is a bus stop just to the east of the site with commercial buildings beyond this. The surrounding area is otherwise predominantly residential in character with two storey houses to the northern side of New North Road opposite the site and to both sides of the road to the east and west. The existing mast is located at the back edge of the footway adjacent to the boundary fence to the allotments with an array of cabinets alongside.
4. The proposed monopole would be sited about 10m to the west of the existing mast with additional and retained cabinets set in a row to both sides of the monopole at the back edge of the footway. At a height of 20m it would be more than twice the height of the existing mast and considerably wider. The existing mast equates roughly with the height of the houses and is a little lower than the lamp columns in the road. It is also about the same height as two trees in the allotments site close to the boundary with the footway, one to either side of the structure, which provide some screening in views along New North Road.
5. By contrast, the proposed monopole would be much higher than other features in the street scene and would be conspicuous, particularly in close views and in views from the west as the allotment trees would not offer any screening. New North Road is a straight road and the lamp columns form skyline features; in long views the monopole would be seen against lamp columns and other vertical elements in the street scene but would be higher and wider than these. The siting of the monopole would align with the footway to Clinton Crescent at its junction with New North Road. It would not therefore be directly in front of the nearest house at 257 New North Road but would still be a noticeable feature and a marked change in the appearance of the street scene when viewed from the front of this and neighbouring houses.
6. To the east of the cabinets relating to the existing mast are two unrelated cabinets, a telephone kiosk and a bus shelter. This part of New North Road has long been characterised by a mixture of street furniture. The provision of additional cabinets and bollards to serve the monopole would not result in a material change in the character or appearance of the road. These structures would be seen against the backdrop of lower level vegetation running along the boundary fence to the allotments site, and this would assist in assimilating their appearance.
7. Telecommunications development is covered by Policy LP25 of the Redbridge Local Plan (2018) (RLP). This states development should be sited and designed in such a way that it does not adversely affect the appearance of the surrounding area, and that the Council will only support such development where (a) the siting is not intrusive in the street scene and (b) the design is of a scale, height and appearance which does not disrupt the character of an area. The monopole would not be in accordance with these elements of Policy LP25. There would also be tension with Policy LP26 on design which requires development to respect or improve local character. I shall examine other elements of these policies below.

Pedestrian safety

8. A row of 8 bollards are proposed in front of the cabinets along the front edge of the footway with the intention of providing protection to an engineer while maintaining the cabinets. The combination of cabinets and bollards would reduce the useable width of the footway. According to the appellant's measurements, the proposal would result in a width of approximately 1.4m with cabinet doors open and a width of 1.1m at the narrowest point directly in front of the monopole with the doors open. Whilst the Council point out that this would be less than their recommended minimum width of 1.2m, such a constraining of the footway width would arise only exceptionally when servicing the equipment. The width of the footway would remain adequate for pedestrian movements for most of the time.
9. The proposal would not thereby give rise to conditions prejudicial to the safety of pedestrians. There would not be conflict with Policy LP22 of the RLP on promoting sustainable transport including walking and cycling with safe and convenient footpath networks. Policy LP23 on cycle and car parking does not appear to be directly relevant to the proposal. The Pedestrian Comfort Guidance for London (2010) is a consultant's report for Transport for London and is not a development plan document. In my judgement, the proposal would not conflict with this or more recent guidance on pedestrian movements.

Other matters

10. The impact on the character and appearance of the area needs to be set against the need for the new facility. The National Planning Policy Framework (the Framework) places importance both on achieving well-designed places and on supporting high quality communications. Paragraph 112 of the Framework states "*high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G)*". Paragraph 113 requires new equipment to be "*sympathetically designed and camouflaged where appropriate*".
11. The proposal would upgrade the site to accommodate additional coverage and capacity requirements incorporating 4G and 5G technology. The appellant comments that the height of the proposed apparatus is the minimum capable of providing the technological improvements sought and to avoid potential interference whilst allowing two operators to use the site.
12. The appellant has examined alternative options for the development. Only one alternative location has been cited, Kirby Close, about 240m to the west of the site, but this was considered to be of insufficient height coupled with concerns that the building may not sustain the weight of the necessary equipment. The existing facility has been in place for some 13 years and is not adequate for the additional requirements. In the absence of other suggestions, the appellant has chosen to upgrade the existing facility and use it for two operators rather than seek a new ground based facility. The Council whilst objecting to the visual impact of the proposal have not suggested alternatives for rolling out enhanced connectivity. The present site would therefore seem to be the best option available.

13. The proposal would thereby satisfy other elements of Policy LP25: (c) the equipment has been designed to keep the size of the installation to the technical minimum and sited, so far as practicable, to minimise the impact on the environment; (e) alternative sites which fulfil the functional requirements of the equipment have been assessed, and (f) it can be demonstrated that developers have considered using existing facilities or sharing with the equipment of other operators.
14. Although the proposed monopole would be considerably higher than the mast it would replace, as its height would be the minimum needed to meet the technical requirements for two operators, it would be sensitively designed in this respect. It would not be unsympathetic to the design aims of Policy LP26 promoting innovative design solutions that would improve the way an area functions. In relation to Paragraph 113 of the Framework, it would not be possible to camouflage the monopole, but it has been sympathetically designed to minimum specifications for the enhanced connectivity planned.
15. I have noted the concerns raised by local residents in addition to the visual impact of the proposal, but these do not change my findings. The proposal is accompanied by a declaration of conformity with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionising Radiation (ICNIRP), and so should not impact on public health. The possible effect on property values is not a material planning consideration as planning decisions are taken in the public interest. Any opportunity arising for anti-social behaviour would not outweigh the benefits of the proposal.

Planning balance

16. The provision of improved high-quality, reliable digital connectivity to enable communities to benefit from faster economic growth and greater social inclusion is an important objective in the Framework and other Government documents¹. The proposal would be in accordance with this objective. Whilst the 20m monopole would be a conspicuous feature in the street scene due to its height, there is no evidence before me of a preferable alternative to enable the desired improved connectivity. In my judgement, the need for the facility would outweigh any harm arising for the character and appearance of the area.
17. A further consideration is that Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2016, (as amended) (GPDO) enables the installation, alteration or replacement of any electronic communications apparatus to be permitted development. This would include provision of a replacement mast up to 20m high on highway land. The proposal only requires planning permission because it would exceed the width of the existing mast and any antenna support structures on it by more than one third. It is the monopole's height rather than its width that would have the greatest impact on the character of the area and appearance of the street scene, but the structure's height and equipment mounted necessitate additional width. The proposed cabinets, if considered in isolation, would constitute permitted development, but require planning permission as part of a larger development proposal.

¹ "Collaborating for digital connectivity" by the Department for Digital, Culture, Media & Sport and Ministry of Housing, Communities & Local Government (7 March 2019), and "Connected Growth" by the Department for Digital, Culture, Media & Sport.

Conclusion

18. The proposal is for the redevelopment of an existing telecommunications site and so would not introduce a new use at the site. Any adverse effects arising on the character of the immediate area and appearance of the street scene, would be outweighed by the need for the facility. The proposal would not give rise to conditions prejudicial to the safety of pedestrians. For these reasons, and having regard to all other matters raised, the appeal is allowed subject to conditions.
19. I have included the statutory condition to limit the lifespan of the permission and a condition to list the plan numbers for the avoidance of doubt and to enable the approval of minor material amendments should this be expedient. I have not included the Council's suggested condition to require removal of the existing mast and other redundant apparatus as it is a requirement of the GDPO that telecommunications equipment erected as permitted development (such as the existing base station) shall be removed when no longer required.

Rory MacLeod

INSPECTOR