
Appeal Decision

Site visit made on 8 September 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2020

Appeal Ref: APP/B5480/W/20/3253380

Existing Telecommunications Mast, Maybank Avenue, Elm Park, Hornchurch, London, Havering RM12 5SH

- 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 & H3G UK Ltd) against the decision of the Council of the London Borough of Havering.
 - The application Ref P1735.19, dated 13 November 2019, was refused by notice dated 8 January 2020.
 - The development proposed is the replacement of an existing 12.5m monopole with a 20.0m high monopole supporting 12 no antenna apertures, together with the installation of ground-based equipment cabinets and ancillary development thereto.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area, and in the event that any harm is identified, whether that harm would be outweighed by the need for the installation and the lack of less harmful alternative sites.

Reasons

3. The appeal site is situated on a footpath in front of a supermarket carpark. The area surrounding the appeal site is predominately residential comprising properties of varying types the majority of which appear to have good sized rear gardens. There are several lampposts within the street scene on both sides of Maybank Avenue. There are also some trees inside the boundary of the car park and also on the side of the road opposite the existing monopole telecommunications mast. These lampposts and trees are much lower in height than the existing mast. A primary school is also located nearby. The dwellings and their gardens positively contribute to the area's suburban character.
4. The proposal would replace the existing 12.5 metre monopole mobile 4G telecommunications mast and associated equipment cabinets located on the footpath adjacent to the supermarket car park with a new 20 metre high monopole 4G/5G mast and an associated set of upgraded cabinets. Consequently, the proposal would provide new 5G mobile telecommunication coverage as well as maintaining existing 4G coverage in the area.

5. The replacement monopole and cabinets would be located approximately 21 metres further along Maybank Avenue and as a result it would be directly opposite the existing residential development of Genotin Mews. This combined with the fact that the proposed monopole would be higher than the existing one and would not be sufficiently screened means that it would be fully visible from these residential properties. For this reason, I consider that the proposal would be in a prominent location on the street scene thereby interrupting the existing views and outlook from these properties.
6. Similarly, the proposal would also be in a more prominent location within the street scene when viewed from the other residential properties further along Maybank Avenue on the same side of the road as the appeal site. While on site I could clearly see the existing monopole from the rear gardens of nos. 130 and 134 Maybank Avenue and also from a vantage point further westwards past the entrance to Scotts Primary School. From these directions it would, despite its colouration and design, appear fairly bulky and intrusive particularly when seen against the skyline particularly as it would be significantly higher than the existing lampposts and trees.
7. Consequently, given that the proposed monopole would be substantially higher than the existing one and the lack of anything screening it from view, I consider that it would be a discordant addition to the street scene thereby having an unacceptable adverse visual impact. I also consider that the proposed replacement cabinets would compound this adverse impact as they would not be sufficiently screened either. It is therefore my view that the proposal would, particularly from certain directions, appear as an intrusive feature that would harmfully detract from the character and appearance of the area.
8. The appellants have cited a fallback position of erecting a new additional monopole up to 25m high and the associated cabinets in the appeal site location via prior approval of permitted development. However, I consider that the degree of harm that this would cause would be similar to that of the proposal and that such a fallback position would not be a sufficient justification for the proposal which would cause significant harm. Moreover, the outcome of any future prior approval decision is uncertain and therefore I attach limited weight to this fallback position.
9. The appellants have also stated that a community consultation was also undertaken in May 2019 where local Councillors were written to. However, according to the supplementary information submitted alongside the original planning application no such consultation was undertaken with Scotts Primary School which is approximately 100 metres from the appeal site. Consequently, while I acknowledge that the school is just outside of the alternative site search area, I consider that the requirement set by paragraph 115 a) of the National Planning Policy Framework (the Framework) to undertake such consultation with the relevant body where a mast is to be installed near a school has not been fully complied with in this case.
10. Accordingly, and being mindful of paragraphs 80, 81 and 112 of the Framework, I conclude that the proposed development would materially harm the character and appearance of the area in conflict with Policies DC61 and DC64 of the adopted Havering Core Strategy and Development Control Policies Development Plan Document 2008 which aim to ensure that new

telecommunications development maintains, enhances or improves the character and appearance of a local area, amongst other things. It would also conflict with paragraph 115 a) of the Framework which aims to ensure that applications for electronic communications development be supported by necessary evidence to justify it.

Other considerations

11. The benefits that the proposal would provide including meeting a need for 5G mobile phone coverage in the area given the lack of suitable alternative sites within a 100-metre radius of the appeal site. These benefits carry modest weight in favour of the appeal scheme.

Other Matters

12. Concerns have been raised about potential effects on health. However, 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). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

Planning Balance and Conclusion

13. I have taken into account the need for the installation relating to the provision of new 5G network coverage and the apparent lack of alternative sites within a 100-metre radius which weigh in favour of the appeal scheme. However, I am in no doubt that proposal would be harmful to the character and appearance of the area, particularly as a result of the location of the proposal in a more prominent and visible location within the street scene. In that respect the proposal would be in clear conflict with the development plan. As a result, it is my overall view that the need for the installation does not in this case, outweigh the harm.
14. Therefore, having had regard to all matters put forward, including the appellants' views on the sustainability of the proposal and the support offered by the Framework and the Code of Best Practice¹ to both sustainable development in general, and more particularly towards the creation of a high quality communications infrastructure I find nothing to alter my conclusion that, for the reasons set out above, the appeal should be dismissed.

C Coyne

INSPECTOR

¹ The Code of Best Practice on Mobile Network Development in England 2016