



Appeal Decision

Site visit made on 30 October 2020

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 09 November 2020

Appeal Ref: APP/E5330/W/20/3248943

Kidbrooke Road, Kidbrooke, Blackheath Park, London SE3 9FD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by MBNL against the decision of the Royal Borough of Greenwich.
 - The application Ref 19/2802/F dated 8 August 2019, was refused by notice dated 11 December 2020.
 - The development proposed is the installation of a 20m monopole, 12 No antenna apertures, equipment and cabinets, the removal of the existing 14.7m monopole, 3 No antennas, redundant equipment cabinets and development ancillary thereto.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a 20m monopole, 12 No antenna apertures, equipment and cabinets, the removal of the existing 14.7m monopole, 3 No antenna, redundant equipment cabinets and development ancillary thereto at Kidbrooke Road, Kidbrooke, Blackheath Park, London SE3 9FD subject to the following conditions: -
 - i. The development hereby permitted shall begin no later than three years from the date of this decision.
 - ii. The development hereby permitted shall be carried out in accordance with the following approved plans:
002 (Site Location Plan), 100 (Existing Site Plan), 150 (Existing Elevation A), 215 (Max Configuration Site Plan - Sheet 1), 216 (Max Configuration Site Plan - Sheet 2), 265 (Max Configuration Elevation - Sheet 1), 266 (Max Configuration Elevation - Sheet 2), Connected Growth Manual, Covering Letter Dated 08/08/2019, Declaration of Conformity, Letter Dated 07/03/2019, MBNL 5G Details and Supplementary Information.
 - iii. The colour of the proposed monopole and associated cabinets and equipment shall be light grey.
 - iv. The adjacent footway and carriageway shall not be blocked during construction. In addition, no skips or materials should be kept on the footway or carriageway at any time.

Procedural Matter

2. While the appellant describes the address as Kidbrooke Road, the Local Planning Authority (LPA) refers to it as Kidbrooke Park Road. I have used the former description for the avoidance of doubt.

Main Issue

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

Reasons

4. Kidbrooke Road is a wide, relatively straight highway at the point of the proposed development, with wide footpaths to either side. In addition, the land bordering it on both sides is open though there are trees lining it. The trees, together with streetlights, provide a vertical emphasis to the street scene.
5. The open appearance of the area is such as to be able to accommodate the height and scale of the proposed development without harm to its character and appearance. But in addition, trees would help to soften the lower part of the mast, though this would be less effective in winter when they have no leaves, while the upper part would be seen against the sky and where its generally simple form would blend into it, especially on grey days.
6. The development would also involve the assembly of associated cabinets at the base of the pole. While there is a general absence of similarly sized street furniture in the locality, the cabinets would not be so bulky or tall as to be incongruous within the street scene.
7. There would be sufficient space for pedestrians to pass, including those with prams, and the cabinets would be tightly confined to an area immediately around the mast.
8. Therefore, on balance I consider that the proposed 20-metre-high monopole and associated cabinets would not have an adverse impact upon the character and appearance of the area.
9. In addition to the above, the proposal would have some positive social and economic benefits in terms of 5G rollout and it would meet telecommunication technical requirements. In this respect, the proposal would accord with paragraph 112 of the National Planning Policy Framework (the Framework) which states that *'advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being'*.
10. Therefore, the development would accord with the design requirements of policies 7.4 and 7.6 of the London Plan 2016 (LP) and with those of policy DH1 of the Royal Greenwich Core Strategy 2014 (CS). It would also be in accordance with policy DH(c) of the CS concerning the requirements for telecommunication development and with paragraph 20 and Chapter 12 of the Framework.

Conditions

11. I have imposed the standard time condition as well as a condition relating to the approved plans for certainty.
12. Both parties have confirmed their acceptance to a condition referring to the colour of the monopole.
13. I have included a condition to prevent obstructions to the footpath and highway.
14. The proposal refers to the removal of the existing monopole and associated equipment (excepting one cabinet), but this does not fall within the red edged application site. However, both parties have been consulted on the matter and the LPA has confirmed that the existing equipment was installed under the regulations of the Town and Country Planning General Permitted Development (England) Order 2015 (GPDO). The GPDO states that it is a requirement of the GPDO that telecommunications equipment erected as permitted development (such as the existing base station) will be required to be removed when no longer required: the GPDO imposes a condition A.2(2) (a) and (b) that *'any electronic communications apparatus provided in accordance with that permission is removed from the land or building on which it is situated.....as soon as reasonably practicable after it is no longer required for electronic communications purposes.....and; such land or building is restored to its condition before the development took place...'*. This would therefore apply to the existing monopole and cabinets (except one cabinet which is to be retained).
15. Based upon the above, I have not found it necessary to pursue further the matter of the removal of the existing equipment. It is the case that the appellant intends to remove the existing mast and some of the cabinets once they are no longer required, as per GPDO requirements. However, owing to the position of such existing development relative to the location of the proposed mast and cabinets, I do not consider that there would be any material cumulative harm caused to the character and appearance of the area should a situation arise that the two developments co-existed at the same time. It would appear, however, that such a possibility is unlikely to occur given the appellant's clear intention to remove the existing development.

Conclusion

16. For the reasons outlined above, I conclude that the appeal should be allowed.

Steven Hartley

INSPECTOR