



Appeal Decision

Site visit made on 2 November 2020

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27/11/2020

Appeal Ref: APP/G5180/W/20/3248262

Junction of Poverest Road and Church Hill Wood, St Marys Cray, Bromley, London BR5 1RD

- 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 against the decision of the Council of the London Borough of Bromley.
 - The application Ref 19/05100/FULL5, dated 27 November 2019, was refused by notice dated 22 January 2020.
 - The development proposed is the installation of a 20m monopole, 12 antenna apertures, equipment cabinets and the removal of the existing 9.7m monopole, 3 antennas and redundant equipment cabinets and development ancillary thereto.
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Decision

1. The appeal is allowed and planning permission is granted for a 20m monopole, 12 antenna apertures, equipment cabinets and the removal of the existing 9.7m monopole, 3 antennas and redundant equipment cabinets and development ancillary thereto, at the junction of Poverest Road and Church Hill Wood, St Marys Cray, Bromley, London BR5 1RD in accordance with the terms of the application Ref 19/05100/FULL5, dated 27 November 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 master drawing no. 978836_BMY018_51214_BR0110_M001 Issue A, Title nos. 002, 100, 150, 215, and 265.
 - 3) The development hereby permitted shall be removed as soon as is reasonably practicable after it is no longer required for electronic communications purposes and the land shall be restored to its condition before the development took place.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The National Planning Policy Framework ('Framework') sets out how advanced, high quality telecommunications infrastructure is essential for economic growth and social well-being.

4. At paragraph 112 it states that decisions should support the expansion of electronic communications networks, including 5G technology - as would be the case here. However, it continues at paragraph 113 that the number of radio and electronic communications masts, and the sites for such installations, should be kept to the minimum consistent with the needs of consumers, the efficient operation of the network, and providing reasonable future capacity. Equipment should be sympathetically designed and camouflaged where appropriate.
5. The appellant's Statement on '5G and Future Technology' summarises how, in order to deliver this technology, more infrastructure is required, and that antenna may need to be raised higher. Having regard to the Supplementary Information, I understand that to support this technology in this location, to ensure appropriate network coverage, and to satisfy ICNIRP standards, the equipment is required at this height and girth.
6. In this case, there would be a network sharing agreement by H3G(UK) Ltd and EE (UK) Ltd, thus helping to minimise the number of masts in line with the Framework. Paragraphs 2.1 to 2.7 of the Statement of Case summarise the need for the proposed development, and why alternative locations were considered unsuitable. The Council does not contest this evidence.
7. The proposed monopole and associated equipment would be located at the back edge of the pavement, between a bus shelter and a tree, with a further mast to the west. The area is largely residential. The scheme would be separated from the nearest dwellings by a grass amenity space to one side, and by Poverest Road and its pavements and verges, to the other.
8. The proposed monopole would be taller and less slender than nearby lamp posts and BT poles, but would reflect their general form and verticality. It would also be wider, and much taller, than the existing masts, and would be sited closer to the adjacent tree. That tree, and others along this stretch of Poverest Road and Church Hill Wood, would partially screen the proposal, or provide a backdrop to it, in some streetscene views.
9. Nevertheless, given its substantial height, it would be significantly taller than any trees or structures in the area. Consequently, it would be fairly prominent – much more so than the monopole it would replace.
10. Although the proposed cabinets would not be screened, they would be low structures which would be further from the carriageway than the five cabinets they would replace. Whilst they would occupy a larger overall area than those cabinets, their net impact on the streetscene would therefore be modest.
11. Given the scheme's location at the edge of the grass amenity space, adjacent to a tree and close to street furniture, its impact on the visual value of that space, including from the dwellings which overlook it, would be limited.
12. Bromley Local Plan 2019 ('BLP') Policy 37 broadly reflects section 12 of the Framework, in requiring a high design standard, and development which contributes positively to the streetscene and complements the area. BLP Policy 89 applies more specifically to proposals for telecommunications apparatus. It recognises that they can have a deleterious effect upon an area, but states that, subject to operational needs, they should be sited having regard to where

they will cause least visual impact, and where the effect on an area's character has been minimised by, for instance, screening from trees.

13. Whilst there would be a limited conflict with Policy 37, given the need for this replacement development, the lack of suitable alternative locations, and the proposed equipment's form and siting, the scheme would not conflict with Policy 89, or with the overall stance in the Framework. The limited harm it would cause to the character and appearance of the area would be outweighed by the scheme's significant public benefits. The appeal will therefore be allowed.
14. I have imposed the standard time limit condition. In the interests of certainty, a condition is also necessary requiring that the development be carried out in accordance with the approved plans.
15. My third condition stipulating that the development shall be removed when it is no longer required, is necessary in the interests of the character of the area. Although this scheme is not 'permitted development', my condition reflects the standard wording at Schedule 2, Part 16, Class A paragraph A.2(2) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
16. I have considered the planning history of proposals for telecommunications equipment in the locality. However, having considered this proposal on its merits, and having regard to all other matters raised, including representations by interested parties, the appeal is allowed.

Chris Couper

INSPECTOR