The Planning Inspectorate

# Appeal Decision

Site visit made on 6 November 2020

**by J D Westbrook BSc(hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 November 2020**

**Appeal Ref: APP/W5780/W/20/3249951**
**Penhurst Road, Tomswood Hill, Ilford, Essex, London, IG6 2QR**

- 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 LTD against the decision of the Council of the London Borough of Redbridge.
- The application Ref 2477/19, dated 7 June 2019, was refused by notice dated 10 October 2019.
- The development proposed is the installation of a 20m monopole, 12 no. antenna apertures, equipment cabinets, and the removal of the existing 15m monopole, 3 no. antennas, redundant equipment cabinets, and development ancillary thereto.

## Decision

1. The appeal is allowed and planning permission is granted for the installation of a 20m monopole, 12 no. antenna apertures, equipment cabinets, and the removal of the existing 15m monopole, 3 no. antennas, redundant equipment cabinets, and development ancillary thereto at Penhurst Road, Tomswood Hill, Ilford, Essex, London, IG6 2QR in accordance with the terms of the application, Ref 2477/19, dated 7 June 2019, and the plans submitted with it, 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 retained in accordance with the following approved plans: 002; 100; 150; 215; 265; Arboricultural Impact Assessment by A.T. Coombes Associates Ltd; Supplementary Information and ICNIRP Certificate.

   3). Within 60 days of the first operation of the monopole and associated equipment, the existing 15m monopole, 3 x antennas and redundant equipment cabinets at this site shall be removed as shown on approved plans 002; 100; 150; 215; 265.

## Main Issue

2. The main issue in this case is the effect of the proposed monopole and other equipment on the character and appearance of the Claybury Conservation Area and the local streetscene, and whether any harm caused is outweighed by the need to site the installation in the location proposed, having regard to the potential availability of alternative sites.

## Reasons

3. Policy LP25 of the Council's Local Plan (LP) indicates that the Council will only support development of telecommunications equipment where, amongst other things, the siting is not intrusive in the street scene; the design is of a scale, height and appearance which does not disrupt the character of an area; and 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.

4. The appellants have submitted details of the need for the proposed apparatus, and have confirmed that the installation would meet the ICNIRP guidelines. They have also confirmed that the proposed equipment has been kept to the technical minimum. The Council has not disputed these submissions. The appellants have also submitted details of alternative locations that have been considered, but contend that these would not offer significant amenity benefits. I concur with that view.

5. The site of the proposed monopole and associated equipment is on a section of green verge on the western side of Tomswood Hill. To rear of site is open land, part of Claybury Park, and opposite the site are residential properties along the eastern side of Tomswood Hill. Tomswood Hill is a busy main road. There is an existing mast and cabinets in existence some 13 metres north of the appeal site and opposite the junction of Tomswood Hill with Penhurst Road. The proposal would also involve the removal of these existing items of equipment.

6. Claybury Park is a large area of open land that forms part of the Claybury Conservation Area (CA), and the proposed monopole would lie just outside the boundary. The boundary at this point is lined with mature and semi-mature trees and shrubs. This belt of planting would effectively form a strong backdrop and/or screen to the base cabinets and other ground equipment associated with the proposed monopole. In view of this, and notwithstanding that there would be more such equipment than is currently in place at the existing site, I do not consider that what is proposed at ground level would be prominent or visually detrimental to the area.

7. The monopole, however, would be thicker than the one currently in existence and would also be some 5 metres taller. It would, therefore, be somewhat more visible when seen from the opposite side of the road, from along the road from the north and south, and also when viewed from certain footpaths within Claybury Park. Its visibility would be mitigated to some extent by the boundary trees and other planting, and by the fact that the existing pole, which is currently something of a prominent terminal 'vista' when seen from Penhurst Road, would be removed.

8. Whilst the proposed monopole would be more visible from the Park than that already existing, its overall impact would be limited in scope, such that I do not consider that it would be significantly harmful to the character or appearance of the Conservation Area as a whole. Moreover, Paragraph 112 of the National Planning Policy Framework (the Framework) indicates that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that planning decisions should support the expansion of electronic communications networks, including mobile technology such as 5G.

9. In this case, I find that the limited harm to the character and appearance of the CA, and to the local streetscene along this part of Tomswood Hill, would be outweighed by the benefits of improved communications infrastructure. Moreover, the proposal would not result in duplication of masts, and the appellants have provided evidence that they have explored the possibility of erecting antennas on an existing building, mast or other structure without success. They have also supplied a statement to certify that, when operational, International Commission guidelines will be met. I consider that the proposal would not conflict with Policy LP25 of the LP or with guidance in the Framework. Accordingly, I allow this appeal.

**Other Matter**

10. Concerns have been raised by local residents about potential effects on health. However, as stated above, the appellant has 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.

**Conditions**

11. I have attached conditions to this permission for the following reasons. I have attached a condition relating to plans for the avoidance of doubt and in the interests of proper planning. I have attached a further condition requiring the removal of the existing monopole and associated equipment to avoid the proliferation of unnecessary telecommunications equipment and to preserve the visual amenity of the locality, in accordance with Policy LP26 of the LP, which promotes principles of high-quality design.

*J D Westbrook*

INSPECTOR