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## Appeal Decision

Site visit made on 20 October 2020

**by C Coyne BA (Hons) DipTP MRTPI**

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

**Decision date: 7<sup>th</sup> December 2020**

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**Appeal Ref: APP/G5180/W/20/3245522**

**Land opposite 10 and 11 Red Lodge Road, West Wickham BR4 0EL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Cornerstone (Telefonica UK Ltd) against the decision of the Council of the London Borough of Bromley.
  - The application Ref DC/19/02554/TELCOM, dated 11 June 2019, was refused by notice dated 26 July 2019.
  - The development proposed is installation of 12.5m telecommunications mast with associated equipment cabinets (56 day consultation by Cornerstone and Telefonica UK Ltd regarding the need for prior approval of siting and appearance of telecommunications installation).
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### Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for installation of 12.5m telecommunications mast with associated equipment cabinets (56 day consultation by Cornerstone and Telefonica UK Ltd regarding the need for prior approval of siting and appearance of telecommunications installation) at Land opposite 10 and 11 Red Lodge Road, West Wickham BR4 0EL, in accordance with the terms of the application ref: DC/19/02554/TELCOM, dated 11 June 2019, and the submitted plans including: Drawing Number 100 Rev A; Drawing Number 201 Rev B; Drawing Number 301 Rev C.

### Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the adopted Bromley Local Plan 2019 (BLP) and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

4. In their statement the Council have stated that the position of the proposed monopole has changed slightly since the submission of the original application. However, I consider that a slight repositioning of the proposed monopole on the footpath does not amount to a substantial change to the scheme. Consequently, and being mindful of the 'Wheatcroft Principles' referred to in paragraph 2.2 to annexe M of the Planning Appeals Procedural Guidance, I have determined the appeal on the basis of these submitted plans in the interest of clarity and for the avoidance of doubt.
5. On the original application form and decision notice the site address did not include a postcode. In the interest of clarity and precision, I have added a postcode, as shown on the submitted site location plan (Drawing 100 Rev A), to the site address in the banner heading above.

### **Main Issue**

6. In light of the above, the main issue is the effect of the siting and appearance of the proposed development upon 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**

7. The proposal would result in a 12.5 metre monopole and associated equipment cabinets being located on the footpath adjacent to the West Whickham Leisure Centre and its car park, with the level of the car park being higher than the footpath on this part of Red Lodge Road.
8. On my site visit I observed that there was one streetlight on the same side of Red Lodge Road as the appeal site, which was attached to totem road signage. A set of traffic lights was located further along the road at its junction with Station Road next to a pedestrian crossing. There was another set of traffic lights in the middle of the road as well as several other sets of traffic lights and a streetlight on the other side of the crossing on the opposite side of the Red Lodge Road. There were also three other streetlights further along Red Lodge Road on the opposite side to the appeal site. These streetlights had a height of approximately 10 metres with the traffic lights having a height of approximately 8 metres.
9. Therefore, while I acknowledge that the majority of the streetlights and traffic lights are on the opposite side of Red Lodge Road to the appeal site, I consider that these types of vertical structures are relatively common in the street scene on this part of the road. The proposed monopole would be greater in height than the existing vertical structures already present and would be greater in thickness, particularly at its topmost section. However, given the presence of the existing vertical structures in the area and the close proximity of the streetlight/road signage, the proposed monopole would not appear incongruous or unexpected in such a context particularly as it is positioned in alignment with them.
10. Furthermore, given the presence of the high mature trees within the grounds of the leisure centre I also consider that the proposal would be sufficiently screened when viewed from certain directions. Moreover, these trees would also act as a visual foil, even when viewed from the car park, meaning that the proposal would not appear either bulky or intrusive when seen against the skyline particularly as it would not be higher than the tallest tree or indeed significantly higher than the other trees or the streetlights in the vicinity.

11. I acknowledge that there is existing mobile telecommunications equipment attached to the chimney stack of the leisure centre. However, based on the evidence before me I am satisfied that this and other alternative siting solutions have been adequately explored by the appellants and have been found to have been unsuitable for the proposal.
12. I therefore conclude that the proposal would not appear overly prominent or visually intrusive and would not cause harm to the character and appearance of the area. Consequently, the proposal would comply with Policies 37 and 89 of the BLP, as well as the Framework's policies for supporting high quality communications and achieving well-designed places. Accordingly, I consider that the siting and appearance of the proposal would be acceptable.

### **Other Matter**

13. Concerns have been raised about potential effects on health, particularly the proposed monopole's proximity to residential properties and a leisure centre. However, 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. I note also that there are concerns with regard to interference with TV signals, but in the absence of substantive evidence, this matter has not changed my conclusion on the main issue.

### **Conditions**

14. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.
15. The Council has suggested a condition with a shorter implementation period for the development and a pre-commencement condition requiring the submission of details for the material finish of the proposal within one month of the completion of the development. However, the GPDO 2015 does not provide any specific authority for imposing additional conditions beyond the deemed conditions mentioned above. Consequently, I have not imposed those suggested conditions.

### **Conclusion**

16. For the reasons given above, I conclude that the appeal should be allowed, and prior approval is granted.

*C Coyne*

INSPECTOR