



Appeal Decision

Site visit made on 5 January 2021

by E Symmons BSc (Hons) MSc MArborA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2021

Appeal Ref: APP/G5180/W/20/3247425

Land south side Beddington Road junction with St Paul's Wood Hill

Orpington, Grid Ref Easting: 545859, Grid Ref Northing: 169632

- 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 DC/19/03086/FULL5, dated 12 July 2019, was refused by notice dated 6 September 2019.
 - The development proposed is the installation of a 20m monopole, 12 no. antenna apertures, equipment cabinets, the removal of the existing 10m monopole, 3 no. antennas, redundant equipment cabinets and development ancillary thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Policies within the emerging Draft London Plan 2019 (eLP) have been cited. Whilst the eLP is not yet adopted and the 'intention to publish' version is the most recent. Although amendments to this version have been invited however, the cited policies are unaffected. Consequently, I give these policies significant weight within this decision.
3. There are inconsistencies within the evidence regarding the height of the existing monopole. This ranges from 9.7 metres (m) to 10m. Within this decision I will consider the higher of the two figures. For comparative purposes and within the context of the effect of a replacement pole 20m high, I do not consider that this variance will affect my decision-making.
4. My attention has been drawn to Class A, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It is argued that a new 20m monopole would constitute permitted development and is therefore inherently acceptable. However, this is not a new pole, but a replacement and as it would be more than a third wider than the original, a planning application is required. Under the terms of this application, Section 38 (6) of the Planning and Compulsory Purchase Act requires that I consider the appeal, including the effect of the proposal upon the character and appearance of the area, within the context of the development plan which is what I have done.

Main Issue

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

Reasons

6. The local area mainly comprises two-storey residential properties set within areas of public open space comprising grass with some mature and semi-mature trees. There is further tree planting along the wide grass verges which line either side of St Paul's Wood Hill. The area has a spacious, verdant and open character. The cabinets are currently situated within the wide grass verge which sits between the footway and carriageway on the north-western side of St Paul's Wood Hill. The monopole is close to the junction of St Paul's Wood Hill, Mickleham Road and Beddington Road.
7. The existing monopole is a dark colour. When viewed from close by, and within wider views from both directions along St Paul's Wood Hill, Beddington Road and Mickleham Road, it is seen against the adjacent trees. Other street furniture comprising lighting columns, road signs and in particular, telegraph poles, mitigate its intrusion into the landscape due to their similar height.
8. In order to minimise the number of masts, paragraph 113 of the National Planning Policy Framework (the Framework) encourages use of existing masts, buildings and other structures. These options have been considered and discounted and consequently the existing site is preferred.
9. The proposed replacement monopole would be 20m in height with twelve antenna apertures. It would be placed around 13m to the south west of the existing monopole and would be wider and around twice the height. Although the proposal involves removal of three cabinets, there would be a net increase in number to provide a linear group of eleven cabinets.
10. The principle of using this site has been established, albeit for a 10m high pole, and the appeal site would have the advantage of sharing the monopole by two providers and replacing an existing mast. Policy support for the proposal includes Policies 4.10 and 4.11 of the London Plan 2016 (London Plan), paragraph 112 of the Framework and Policy SI6 of the eLP which directly relate to provision of telecommunications infrastructure. Further support for an improved digital network is cited within more general Policies GG1 and E8 of the eLP, information from the Department for Digital, Culture, Media and Sport, the Ministry of Housing, Communities and Local Government and internal documentation produced by MBNL.
11. I have no reason to doubt that the height and design of the proposed monopole is the minimum necessary to allow for the desired coverage and to comply with International Commission on Non-Ionizing Radiation Protection safety regulations. However, the benefit associated with provision of additional 5G service must be balanced against the effect of the proposal on the character and appearance of the area.
12. Within close views, and from within nearby residential properties, the lower parts of the pole would be seen against the trees and nearby street furniture. This would mitigate its presence and the lower 8-10m would present a similar impact to the existing pole which it would replace.

13. When seen within middle distance views from around the area, the impact of the proposal would be more harmful to the character and appearance of the area. St Paul's Wood Hill rises from north west to south east. When approaching the appeal site from uphill, views above the tree canopies are currently open with clear sight lines into the distance. The proposed monopole, due to its height, width and mass, would significantly extend above the tree canopies and other street furniture and interrupt these views and appearing as an incongruous feature within the landscape. A similar effect would be evident if the pole were to be viewed from a position downhill, and from around Mickleham and Beddington Roads. From this direction, despite the favourable gradient, the monopole would be visible well above the tree canopies and seen against the open sky.
14. A series of photomontages have been submitted which seek to predict the impact of the proposal in longer views. These show only limited harm when the pole is viewed against nearby telegraph poles or trees. However, when viewed from more open parts of the area, the pole would be well above the tree canopies and clearly visible against the skyline. This would have a harmful impact upon the appearance of the area. Furthermore, there is no certainty that surrounding trees could attain sufficient height to mitigate the proposal within the lifetime of the apparatus.
15. The effect of the proposal would be seen within the public realm, both when travelling in a vehicle and when on foot particularly since the area has few tall buildings or other tall structures. Furthermore, the pole would be visible above the trees from adjacent open spaces which currently give relatively open views. The upper 10m of the proposal would not be screened by trees, nor would it blend with other street furniture and would therefore interrupt relatively clear skyline views and harm the character and appearance of the area.
16. The proliferation of cabinets would add clutter to the streetscape despite the opportunity to alter their finish. There is no adjacent shrub planting which would help screen these and none have been proposed. The nearby trees would not mitigate the presence of the line of cabinets as these would sit beneath the tree canopies. Moreover, their presence would accentuate and contribute to the harm caused to the streetscape by the proposed monopole.
17. It is contended that the new equipment will not only allow new 5G provision but also improve existing service coverage. No coverage maps have been submitted and it is unclear whether the existing service is inadequate. I therefore give limited weight to this reason. However, provision of 5G service, I acknowledge the benefits this would bring in social and economic terms. However, it does not follow that this proposal, in this particular location, is the only way to achieve an improved communications network. The existing pole would continue to provide 2G, 3G and 4G service and the greater connectivity and speed achieved through 5G could possibly be delivered in other ways. Consequently, the moderate benefits arising from this proposal must be weighed against their potential effect upon the character and appearance of the local area.
18. Policy 37 of the Local Plan seeks that proposals complement the scale and proportion of adjacent buildings and areas, and positively contribute to the streetscene including skylines. Policy 89 of the Local Plan relates specifically to telecommunications development. It seeks that the design, siting and

landscaping minimises the visual impact of the development. Furthermore, Policy 4.11 of the London Plan specifically refers to street-based apparatus being “well designed and located”. In more general terms, Policy 7.4 of the London Plan seeks, amongst other matters, that development has regard to the scale of surrounding buildings. Paragraphs 124, 127 and 130 of the Framework support these policies.

19. In conclusion, and for the reasons discussed above, by virtue of its design, height, bulk and profile, the visual impact of the monopole would materially differ from the existing apparatus. It would be a visually more obtrusive feature within the streetscene and the proliferation of cabinets would compound this. It would represent an incongruous form of development which would have a significantly harmful effect on the generally open character and appearance of the streetscene within the surrounding area. This harm would outweigh the benefits this particular proposal would bring and conflict with Policies 37 and 89 of the Local Plan.
20. For the reasons stated above, the appeal is dismissed.

E Symmons

INSPECTOR