



Appeal Decision

Site visit made on 8 March 2021

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2021

Appeal Ref: APP/D5120/W/20/3262584

Perry Street, Crayford, Bexley DA1 4RL

- 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 and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by HUTCHISON 3G UK LTD against the decision of the Council of the London Borough of Bexley.
 - The application Ref 20/01533/GPDO8, dated 25 June 2020, was refused by notice dated 27 August 2020.
 - The development proposed is telecommunications installation: Proposed 18m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
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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 the siting and appearance of telecommunications upgrade involving the installation of a 18m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works at Perry Street, Crayford, Bexley DA1 4RL in accordance with the terms of the application Ref 20/01533/GPDO8, dated 25 June 2020, and the plans submitted with it including plans/drawings 002 Site Location Plan, 210 Proposed H3G Site Plan and 260 Proposed H3G Elevation.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 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.

Main Issues

3. The main issues are the effect of the siting and appearance of the proposed telecommunications installation upon the character and appearance of the area, the setting of the nearby Listed building, St Paulinus Church, and whether the installation would preserve or enhance the character or appearance of the adjacent Iron Mill Conservation Area (the CA).

Reasons

4. The installation would be sited on a footway that separates a layby from Perry Street and at a junction with Claremont Crescent. The appeal site is situated where there is a curving bend in the highway. There is currently a lamppost and small electricity cabinet close by the site on the footway. Further along the footway is a second streetlight where waste recycling bins are sited, as well as a row of trees, although these are not as tall as the existing streetlights. There are tall trees within the adjacent cemetery associated with St Paulinus Church which in some views form the backdrop to the albeit taller mast. In the wider environs of Perry Street is street lighting along the highway. The locality hosts vertical features within the street scene and these form part of the character and appearance of the area.
5. When travelling south along Perry Street, the mast would be seen against the backdrop of the cemetery trees. I saw that the existing street lighting along the highway can be seen above these trees when travelling in this direction. The mast would also be seen above the trees in a similar way. When travelling north, the site becomes visible when one passes St Paulinus Church and traverses the bend in the highway. In its immediate environs the mast would be a visually prominent installation upon the footway and would be clearly visible in relatively short distance street views when travelling in both directions along Perry Street. It would also be clearly visible from Claremont Crescent and when approaching the junction with Perry Road from that residential street.
6. The mast would be a tall structure, but it would be relatively slimline in appearance, albeit not as slim as the existing streetlight close by. It would be clearly visible in the public realm and to those visiting the adjoining cemetery, noting local concern has been expressed to this. However, in some views the mast would be seen against the backdrop of the trees at the cemetery and this would assist in reducing the visual impact of the mast. Despite being taller than existing vertical features close by, I do not consider the mast would appear unduly conspicuous within the context of the existing street lamppost furniture and trees present within the area.
7. In addition to the mast, there would also be a small number of ground-based structures comprising cabinets. In views from Claremont Crescent, the cabinets would be seen against the backdrop of the cemetery wall, much in the same way as the exiting electricity cabinet is seen. However, in other views the cabinets would appear as a cluster of street furniture upon the footway, although this would be much in the same way as the waste recycling bins appear further north along the footway, albeit the cabinets would be lesser in number. I do not consider this small number of cabinets would create a visual clutter of street furniture upon the footway such that it would be substantially visually harmful to the area.
8. Taking these matters collectively, I consider there would be no significant visual harm to the street screen or the area.
9. In relation to the setting of the Listed building and the character or appearance of the adjacent CA, the appeal site would be situated in a relatively open area next to these heritage assets. Having regard to Section 16 of the National Planning Policy Framework (the Framework) when considering the impact of a

proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

10. The Church is sited within a cemetery, both of which are enclosed by the boundary wall that runs alongside Perry Street. I consider the setting of the church to relate to the church itself and its surrounding cemetery. The significance of this designated heritage asset derives from its ecclesiastical context which is separated from the wider surrounding area by the boundary wall running along Perry Street. The appeal site is situated beyond this ecclesiastical context and beyond its corresponding setting. As noted above, the site becomes visible when one passes St Paulinus Church and traverses the bend in the highway when travelling north. In public views of the church the mast would not be readily visually apparent. Consequently, I do not consider there would be harm to, or loss of, the significance of the Listed designated heritage asset.
11. The Council's Conservation Management plan recognises that the clutter of road signs can obscure the fabric of the CA, as can utilitarian highway style light columns that do not reflect the historic architecture of the CA. The existing street furniture within the vicinity of the appeal site is of modern utilitarian design. These are seen in the context of existing views into the CA and when looking north along Perry Street. In this context I consider the appearance of the telecommunications installation would be compatible with the existing modern street furniture and would not significantly alter or be substantially harmful to views of or into the adjacent CA. Furthermore, the appeal site would not be located within the CA, therefore I do not consider the proposal would obscure the fabric of the CA. Accordingly, I find that the installation would preserve the character and/or appearance of the adjacent CA.
12. For these reasons, I conclude that the proposed development would not harm the character and appearance of the area, the setting of the nearby Listed building (St Paulinus Church) and would preserve the character and/or appearance of the adjacent CA. As such, the proposal would not materially conflict with Policies CS01, CS09 and CS15 of the Bexley Core Strategy, Policies ENV39 and ENV45 of the Bexley Council Unitary Development Plan (saved policies) and Chapter 10 of the Framework. These policies seek, amongst other matters, development to be compatible with the character of the surrounding area and for telecommunication equipment to be located in such a way as to minimise any adverse effects on the character or visual amenity of the area and to resist adverse effects upon designated areas or listed buildings.

Other matters

13. Concerns have been expressed over the potential effects of the proposed development upon health. 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.

14. I note that the Council highlights that an assessment of alternative sites has not been undertaken. Nonetheless, as I have found the proposal to be acceptable it is not necessary for me to consider the merits of alternative potential locations for this installation.

Conditions

15. Any planning permission granted for the telecommunications upgrade involving the installation of a 18m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works under Article 3(1) and Schedule 2, Part 16, Class A of the GPDO 2015 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 no 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.
16. The Council has asked for the imposition of informatives relating to colour finish and general upkeep of the installation if the appeal is allowed. The GPDO 2015 does not provide any specific authority for imposing additional conditions, informatives or other information beyond the deemed conditions for development by electronic communications code operators. Therefore, I consider the suggested informatives would be beyond the scope of the prior approval process. For this reason, I have not imposed the Council's suggested informatives.

Conclusion

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

Nicola Davies

INSPECTOR