

Appeal Decision

Site visit made on 22 January 2021

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2021.

Appeal Ref: APP/G5180/W/20/3258179

Existing Mast, Land outside 56A to 56F Foxgrove Road, Beckenham, Kent BR3 5BJ

- 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 Cornerstone and Vodafone Ltd against the decision of the Council of the London Borough of Bromley.
 - The application, Ref. DC/20/00008/FULL5, dated 30 December 2019 was refused by notice dated 25 February 2020.
 - The development proposed is the removal of an existing 10m high telecommunications monopole and installation of a replacement 11.5m high telecommunications monopole incorporating 6 No. antennas.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of an existing 10m high telecommunications monopole and installation of a replacement 11.5m high telecommunications monopole incorporating 6 No. antennas on Land outside 56A to 56F Foxgrove Road, Beckenham Kent in accordance with the terms of the application, Ref. DC/20/00008/FULL5, dated 30 December 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) The development shall be carried out in accordance with the following approved plans: Site Location Maps (Drawing No. 100 Rev. A); Existing Site Elevation (Drawing No. 300 Rev. A); Existing Site Plan (Drawing No. 200 Rev. A); Proposed Site Elevation (Drawing No. 301 Rev. B); Proposed Site Plan (Drawing No.201 Rev. B);
 - 3) The colour and finish for the external materials of the mast shall be carried out in accordance with details first submitted to and agreed in writing by the Local Planning Authority and thereafter permanently retained in that condition.

Main Issue

2. The main issue is the effect of the proposed development on the visual amenity of the Foxgrove Road street scene. In the interests of greater precision and clarity I have qualified this issue in paragraph 3 below, as this will inform the decision-making process.
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Reasons

3. The appeal proposal is to upgrade an existing base station site within a grass highway verge adjoining a large block of flats currently being developed in this part of Foxgrove Road. The upgrade includes the replacement of a 10m high telecommunications pole with one of increased height and different design, necessitated by new antennas. In these circumstances I consider that the main issue should be appraised in terms of any difference that the appeal scheme would make to the existing visual amenity of this part of Foxwood Road compared to the existing mast. And if there is any harm, whether this would be justified by material and sustainable improvements to the network.
4. The existing pole was the subject of a prior approval by the Council in 2016. It is of a replica telegraph pole design and described by the Council as 'streamlined'. The pole is now an established part of the street scene and does not appear harmfully intrusive in a residential environment characterised by a wide road (including pavements and grass verges on both sides), mature roadside trees and large buildings on generous building lines. At 10m in height the pole is sufficiently above the lamp columns and the tree crowns on this side of the road to still draw the eye but in my view not such as to appear incongruous or jarring in the street scene.
5. The replacement pole would be 1.5m higher and with the antenna encompassed by the shroud would widen from 0.35m at a height of 7m to 0.58m for the remaining 4.5m of its height. In views along Foxgrove Road the visual impact of the proposed structure would be mitigated by its context of the substantial scale of the blocks of flats on both sides of the road (including the 3/4 storey block currently under construction at No. 56) and the more immediate context of the taller and larger crowned trees on the opposite side of the road.
6. I acknowledge that with its increase of 1.5m in height and wider upper section the replacement pole would be more prominent than the existing structure, particularly at closer quarters. But in the more significant views along Foxgrove Road from both directions the difference in height and design would for the most part be subsumed within the context of mature trees and large buildings.
7. In my view, this point is clearly illustrated in the Photomontage Rev. A (Appendix 08 the appellant's appeal statement) which I consider provides accurate existing and proposed views along the road from vantage points in both directions. These photographs do show that the increased height and bulk would be noticeable, but not to the extent that I would regard as visually significant.
8. I acknowledge that this is precisely the point on which the Council disagrees and in order to weigh the balance of considerations I recognise that the replacement 11.5m high telecommunications monopole incorporating 6 No. antennas could be considered by some observers as causing harm through increased visual intrusion.
9. However, the appellants have explained that the new mast is needed to both address the future interruption of signal resulting from the adjoining flats development at the adjacent No. 56 and to improve both the quality and capacity of the local network. The facility has shared operators and is an upgrade of an existing site and fully in accordance with Section 10: 'Supporting

High Quality Communications' of the National Planning Policy Framework 2019 and more recent Government pronouncements.

10. I have had regard to the 2016 dismissed appeal (APP/G5180/W/15/3135520) referred to by the Council, but consider there are differences to the current proposal. These include the mast being a metre lower, the cabinets not being within my remit (see paragraph 12 below) and a now stronger policy imperative from the government for telecoms applications to be approved (including a 4G service requirement for this locality). Furthermore, five years of tree growth since the last appeal will have improved the verdant character of the setting, thereby providing more screening and a more proportionate context for the higher mast. This benefit will be ongoing until the trees reach full maturity.
11. Overall, I am satisfied that any harm caused would not be significant and would in any event be clearly outweighed by the public benefits that would arise from the network improvements. Accordingly, I do not consider there would be unacceptable conflict with Policies 37 & 89 of the Bromley Local Plan 2019 and Policy D8 of the London Plan March 2021.
12. The Council has also objected to the equipment cabinets but with their volume of less than 2.5 cubic metres they are permitted development under Class A, Part 16, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, and do not form part of this application and appeal.
13. I shall therefore allow the appeal. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. A condition specifying the Council's agreement of the details of the colour and finish of the pole will safeguard visual amenity.

Martin Andrews

INSPECTOR