



Appeal Decision

Site visit made on 9 March 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2021

Appeal Ref: APP/E5330/W/20/3262640

Land near junction of Bugsby's Way and Lombard Wall, Charlton, Greenwich, London SE7 7SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 Royal Borough of Greenwich Council.
 - The application Ref 20/1517/T3, dated 24 May 2020, was refused by notice dated 21 July 2020.
 - The development proposed is Proposed telecommunications installation: Proposed 20m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address of the site within the banner heading is taken from the Council's decision notice as it describes the location of the site more accurately than the planning application form.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, and Schedule 2, Part 16, Class A, require the local planning authority to assess the proposed development solely on the basis of its siting and appearance. My determination of this appeal has been made on the same basis. I have had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.
4. Since the time the appeal was submitted, the Mayor of London has published the London Plan 2021 on 2 March 2021 and this replaces the London Plan 2016. The London Plan policies referred to within the Council's reason for refusal have therefore been replaced by those of the new plan. Both parties have been asked for comments regarding the new plan and therefore I am satisfied that neither parties have been prejudiced as a consequence.

Main Issues

5. The main issues are the effect of the siting and appearance of the telecommunications monopole upon the character and appearance of the area, and the pedestrian environment.

Reasons

6. The licensed operator is Hutchison 3G UK Limited (H3G LTE). The appellant's evidence explains that the operator has a requirement to upgrade the UK H3G LTE (Three) network to provide the next generation 5G coverage within the Charlton area. Further, it explains that the site has been identified as it meets specific technical and operational requirements.

Character and appearance

7. The appeal site is located within a modern retail shopping park on the outskirts of Greenwich on the Greenwich Peninsula. It is a typical out of centre retail environment with good access by both private vehicles and public transport. Large parking areas are located outside the shopping plazas and the main arterial route through the area divides both Brocklebank Retail Park to one side and Greenwich Shopping Park to the other. The area is also commercial in nature.
8. At 20m in height, the appellant explains that the proposed monopole has been designed to clear the heights of surrounding buildings. These buildings are however limited to two storeys in height and, as demonstrated on the submitted plans, the monopole would be considerably taller than the retail units directly behind the appeal site. No evidence of why it should extend significantly higher than the adjacent units has been provided.
9. Due to its proposed height and location, in a standalone position away from the backdrop of built development, and set in a visually open location, the development would appear as a prominent and incongruous addition to the street scene. It would by no means compare to the slimline vertical emphasis of the neighbouring streetlamps due to its height, width, base station cabinet component, and overall different design characteristics. Nor would it compare to any of the existing street furniture.
10. The National Planning Policy Framework (the Framework) places an emphasis on the requirement for new electronic equipment to be sympathetically designed. This proposal would not meet the objectives of good design but would instead appear as an alien and visually intrusive feature in this location.
11. The appellant argues in favour of a new mast as per the proposed design as they state that a shared 5G structure would require multiple levels of open antenna headframes on a 'greenfield' mast that would be a bulkier and more visually intrusive form of apparatus. However, this has not been demonstrated as a comparison for me to take into account as part of my assessment.
12. There may be similar telecommunications equipment in other locations across the country, however, I have considered the proposal before me and the individual site circumstances, as is my duty.
13. The site may not be located close to residential areas or have any consequential impact on the historic environment or unspecified 'other sensitive receptors'. The constraints of underground services have been brought to my attention. However, these factors do not lead me to reach a favourable conclusion in considering the impact of its appearance on the area.

14. To conclude, with regards to Schedule 2, Part 16, Class A of the GPDO, I have assessed the proposal in terms of its siting and appearance. For the reasons set out above, the development would not assimilate into its environment and would lead to visual intrusion to the locale, harmful to the character and appearance of the area. It would be contrary to the London Plan 2021 Policy D3 that seeks high quality development which responds to existing character, and Policy D8 in its broad aims for development to consider and improve public realm. It would conflict with the requirements of Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014 Policies DH1 and DH(c) for telecommunications development to cause minimal visual impact and for development to be of high quality and positively contribute to the area. Finally, it would not accord with the Framework in its objectives for communications equipment to be sympathetically designed.

Pedestrian safety

15. The retail parks of Brocklebank Retail Park to one side and Greenwich Shopping Park to the other are divided by the main thoroughfare of Bugsby's Way. This road is a dual carriageway and is a barrier to the retail parks on either side.
16. There is a signalised pedestrian junction in front of the appeal site leading to the island between the two-way directions of traffic. It acts to safely control traffic and aid the safe movement of pedestrians across the road. Even at the time of my visit which occurred during the closures associated with the Covid-19 Pandemic, there was a significant volume of pedestrians using the signalised crossing to access the available shops. Pedestrians would also use this crossing to gain access to the public bus stops close by.
17. Furthermore, directly opposite the signalised crossing, and on the same side of the road as the proposed location for the monopole and the equipment cabinets, is a pedestrian access linking into the Brocklebank Retail Park. This further encourages pedestrians to use this safe route.
18. The free flow of pedestrian movements would be obstructed by the proposed telecommunications monopole, made more severe as the base of the monopole component consists of a protruding and bulky cabinet. Even if the remaining footpath width were 2.5m, and it would thus meet the TfL guidance on footpath widths, that is not to say pedestrian harm would not occur.
19. Pedestrians would be required to move around the installation to avoid conflict with it, and towards the edge of the footpath parallel to Bugsby's Way which is a very busy arterial route through the area carrying significant volumes of cars, delivery vehicles and other HGV wagons.
20. The width of the footpath would become further narrowed in circumstances of passing pedestrians, wheelchair users and people pushing prams and pushchairs, forcing users closer to the kerb edge with the main road. Given the commercial and retail nature of the area, and the intense use of the pedestrian crossing, pedestrian conflict would be inevitable.
21. Furthermore, located close to the appeal site, the footpath contains a road sign placed within the middle of the footpath and perpendicular to the main road. This currently acts as a physical obstruction to pedestrian movements, and reduces the available footpath width.

22. Even if the cabinets are permitted development, I would doubt their independent installation would be a real prospect given they are intended to support the monopole. Any maintenance of these cabinets would occur from the footpath side. Whilst this would be infrequent, it would further lead to an impediment to the free flow of pedestrian movement.
23. Therefore, to conclude, for the reasons set out above, the siting of the telecommunications monopole would have a harmful effect upon the pedestrian environment. This would be in conflict with the London Plan 2021 Policies T2 and T4 for development to improve street safety, and not increase road danger. It would also fail to meet the requirements of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014 Policies DH1 and IM(b) for development to take account of pedestrian movements and their safety. Finally, it would not accord with the Framework that seeks to give priority to pedestrians and create places that are safe, secure and attractive.

Other Considerations

24. I understand that the location has been chosen to provide 5G coverage within the cell radius, and requirements to connect between and slightly overlap other cells, and there are other technical issues for the operators to consider, including, avoidance of interference with the adjoining cells, underground services and, amongst other things, the sensitivity of the residential environment close to the appeal site, whilst still providing coverage to this area, is an additional constraint.
25. Published Government statements to support and drive towards advanced digital connectivity has been referenced by the appellant. The need to support digital technologies and their growth, and the social and economic benefits that can arise, has also been brought to my attention. Moreover, I note the Framework recognises the importance of the telecommunications industry. However, the Framework also requires evidence that the applicant has explored the possibility of erecting antennas in an existing building, mast or other structure.
26. The appellant has provided no evidence of a search criteria to consider and discount alternatives to locate equipment on an existing building. They explain it is not possible to upgrade their own telecommunications structures due to the additional weight required to support the antennas, or its existing design constraints, and this therefore necessitates the requirement for a new installation. However, there is no evidence provided to substantiate this claim.
27. I note the appellant's assertion that this proposed apparatus would negate the need for subsequent new installations as it would support a shared facility. Whilst shared facilities are welcome, again, there is no evidence presented to back up this statement that it would indeed negate the need for other equipment.
28. The appellant states that 5G would provide an 'improved' level of access and speed to a significant number of users including the businesses and the community as a public benefit. However, the purported public benefit has not been sufficiently substantiated to lead me to the view that the level of harm I have identified would be outweighed by the benefits of the scheme.

Planning Balance and Conclusion

29. I afford moderate weight to the economic and social benefits of the appeal scheme. However, due to its siting and appearance, the proposal would result in a harmful effect upon the character and appearance of the area and the pedestrian environment. These matters attract significant weight and outweigh the benefits associated with the proposed development.
30. The proposal would therefore conflict with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict.
31. For the reasons set out above, I conclude that the appeal is dismissed.

Alison Scott

INSPECTOR