



---

## Appeal Decision

Site visit made on 11 March 2021

**by Simon Warder BSc(Hons) MA DipUD(Dist) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 30 March 2021**

---

**Appeal Ref: APP/E5330/W/20/3258678**

**Grass Verge off Welling Way, Eltham DA16 2RP**

- 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 Order).
  - The appeal is made by MBNL against the decision of the Council of the Royal Borough of Greenwich.
  - The application Ref 20/1369/T3, dated 12 May 2020, was refused by notice dated 9 July 2020.
  - The development proposed is described as 'Proposed Telecommunications upgrade. Proposed 15.0m AGL Phase 8 monopole c/w wrapround cabinet at base and associated ancillary works.'
- 

### 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 Order for the siting and appearance of a 15.0m AGL Phase 8 monopole complete with wrapround cabinet at base and associated ancillary works at Grass Verge off Welling Way, Eltham DA16 2RP in accordance with the terms of the application Ref 20/1369/T3, dated 12 May 2020 and the plans submitted with it including drawings reference 1212191\_GWH078\_14734\_GLN7372\_M003 Issue C.

### Preliminary Matters

2. The provisions of Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) of the Order 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 the development is established by the Order and the provisions of Schedule 2, Part 16, Class A of the Order do not require regard to be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.
  4. The decision notice refers to policies of the London Plan 2016. However, this has been superseded by the publication of the London Plan 2021 (LP). The parties were given the opportunity to comment on the implications of the publication of the LP, but no responses were received.
-

## **Main Issue**

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

## **Reasons**

6. The proposed monopole and cabinets would be located within the highway verge on the south side of Welling Way. This broad road has fairly wide verges on both sides and is bound to the north by woodland. To the south, the verge is bounded by a row of trees, beyond which the area providing the backdrop for the proposal is more open. However, a large electricity sub-station and pylons are visible in the middle distance. Lighting columns are prominently located close to the carriageway edge. The appeal site is reasonably well separated from the nearest residential area to the east.
7. The existing monopole and cabinets at the appeal location are set well back from the carriageway. Together with the filtering effect of the nearby tree, this siting ensures that they are not overly conspicuous in the street scene. The proposed monopole and cabinets would be on a similar alignment. However, the monopole would be significantly taller and broader, particularly the antennae at the top of the pole. It would, therefore, be considerably more prominent in the street scene. The proposal would also add to the size and number of cabinets. Nevertheless, the nearby trees, even when cut back, would provide a measure of visual screening. Moreover, the broad, tree-lined road, regular lighting columns and presence of other nearby infrastructure provide a relatively accommodating setting for the proposal, particularly having regard to the more built-up character of much of the surrounding area.
8. The appeal site is an established location for telecommunications equipment and the appellant has explained that the proposal is intended to facilitate 5G coverage and would be shared with the Emergency Services Network. These aims are firmly supported by Government policy in section 10 of the Framework as well as the Future Telecoms Infrastructure Review. Policy SI6 of the LP also supports digital connectivity infrastructure.
9. Overall therefore, I find that the need for, and benefits of, the proposal outweigh the limited harm to the character and appearance of the area. As such, the proposal would comply with Policy DH(c) of the Royal Greenwich Local Plan Core Strategy with Detailed Policies (2014) (CS) which requires telecommunications development to cause minimal visual impact and be sited, designed and landscaped to minimise the impact on its setting.
10. Policy DH1 of the CS requires development to be of a high quality of design and to positively contribute to the natural and built environments taking into account landscape and townscape settings, views and skylines amongst other things. Policy D3 of the LP also seeks high quality design which responds to the existing character of the place. The limited degree of conflict with these policies would be outweighed by the considerations set out above.

## *Other Matters*

11. Concern has been expressed that the proposed monopole would affect the ability of the operator of a nearby high-pressure gas pipeline to protect the safety and maintainability of the line as required by the Pipeline Safety Regulations 1996. However, as set out in paragraph 2 above, my

consideration is limited to the siting and appearance of the proposed development. As such, I am unable to take other matters into account.

*Conditions*

12. The Council has suggested a list of three conditions. However, the Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions set out in paragraphs A.3(9), A.3(11) and A.2(2). These require the development to be carried out in accordance with the details submitted with the application, to begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and to be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes.

**Conclusion**

13. For the reasons set out above, the appeal should be allowed.

*Simon Warder*

INSPECTOR