The Planning Inspectorate

# Appeal Decision

Site visit made on 7 April 2021

**by John Felgate BA(Hons) MA MRTPI**

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

**Decision date: 13 April 2021**

**Appeal Ref: APP/U5930/W/20/3260679**
**Land at Waltham Way, West Chingford, London E4 7JP**

- 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.
- The appeal is made by Mobile Broadband Network Ltd against the decision of the Council of the London Borough of Waltham Forest.
- The application Ref 201178, dated 9 April 2020, was refused by notice dated 28 May 2020.
- The development proposed is the installation of a 20m high mast, equipment cabinets and associated works.

## Decision

1. The appeal is allowed and approval is granted under the provisions of 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 development comprising a 20m high mast, equipment cabinets and associated works, on land at Waltham Way, West Chingford, London E4 7JP, in accordance with the terms of the application Ref 201178, dated 9 April 2020, and the plans submitted with it.

## Main Issue

2. The main issue in the appeal is the effect of the proposed development's siting and appearance on the character and appearance of the area.

## Reasons for Decision

3. The proposed new mast and cabinets are proposed to be sited on a highway verge at the roundabout junction between Waltham Way and Mansfield Hill. Both of these are heavily-trafficked 'A' roads. The surrounding area is mainly urban. On the same verge, there is currently a 12m-high monopole-type telecommunications mast, with five ground-level equipment cabinets of various sizes. The appeal proposal proposes to remove this existing pole and three of the cabinets, and to replace these with a new 20m-high mast with 12 integral antennas and seven additional cabinets.

4. The new mast would be taller than the existing, the cabinets more numerous, and the siting would be slightly closer to the carriageway. But the installation would be seen against a backdrop of existing mature trees, and in the context of the existing lighting columns, traffic islands, road markings, signage, beacons and bollards. In this highly urbanised, highway-dominated environment, it seems to me that the small increase in 'clutter', and the small net loss of greenery, would not be unduly noticeable.

5. Whilst the new mast would be visible from a greater distance, its slim shape and design would not be unattractive. The antennas would be incorporated within the pole itself, avoiding the need for any additional projections, and thus minimising the structure's impact. To my mind this type of design would be effective in avoiding any impression of over-dominance or visual intrusion. The overall effect on the street scene would therefore be broadly neutral. In this respect there would be no conflict with Local Plan Policies CS15[1] or DM29[2], which seek amongst other things to encourage good design, respecting local character, context and distinctiveness.

6. I note that this part of the highway verge is said to be just within the boundary of the Lee Valley Regional Park (the LVRP), and I have no reason to doubt this status. But nevertheless, the verge's main function is clearly as part of the highway corridor, and it is primarily in that context that the development now proposed would be seen. To the west of the site there are a golf driving range, a rugby club, a reservoir and the River Lee itself, which all form part of the LVRP area, but there is no evidence that the development would be visible from any of these facilities. Given the intervening trees, I consider that the impact on any such views would be negligible. In this regard I find no conflict with any of the relevant provisions of Policy DM12, which seek to protect the quality of open spaces, and visitors' enjoyment of the Regional Park.

7. In the light of the above, I see no need to consider the merits of any alternative designs, camouflaged or otherwise, in this case.

8. I conclude that the proposed development's siting and appearance would cause no material harm to the character or appearance of the area.

**Other Matters**

9. The principal Local Plan policy relevant to telecommunications development is Policy DM37. The policy's requirements are that the development should be located to complete or improve network coverage; and should consider options for mast-sharing; and should comply with the ICNIRP[3] guidelines relating to health risks. In the present case, the Council accepts that these requirements would all be met. Having regard to the supporting evidence provided on these matters, I agree with that assessment. Although the supporting text also refers to other related aspects, these are not part of the policy itself. Policy DM37 is therefore complied with in full. The policy's aims are to ensure the timely delivery of appropriate social infrastructure, thereby strengthening the community and reducing deprivation; I see no reason why the present proposal would not assist with these aims. Consequently, the proposed scheme's compliance with Policy DM37 carries substantial weight in favour of the appeal.

10. The proposed development would be viewed from some of the residential properties on the opposite side of Mansfield Hill. But these are set back beyond the roundabout and another wide grass verge, with the nearest being around 45-50m from the site. Some of the houses on the western side of Mansfield Hill are marginally nearer but are oriented away from the site. The top of the new mast would be visible from the rear of properties in Low Hall Close, but at a distance and filtered by intervening trees. In none of these

[1] In the Waltham Forest Local Plan Core Strategy, adopted March 2012
[2] Policies prefixed 'DM' are from the Waltham Forest Development Management Policies Local Plan, adopted October 2013
[3] The International Commission on Non-Ionizing Radiation Protection

cases would the development have any significant effect on living conditions. No conflict would therefore arise with Policy DM32, which aims to protect neighbours' amenities.

11. I note the Council's contention that the site is within or adjoining the Green Belt, but this is contradicted by other evidence, and the position is therefore inconclusive. But in any event the proposal is permitted development, with only siting and appearance to be determined. The question of whether the development would be inappropriate in terms of Green Belt policies is therefore not relevant to this appeal. The development's visual impact on any part of the surrounding area which may be Green Belt is already taken into account in my assessment of the effects on the area's character and appearance.

12. Given my conclusion that the proposed development would cause no material or significant harm, it is unnecessary in this case to consider whether its impact could be reduced further by siting it elsewhere.

**Conclusion**

13. For the reasons set out above, I conclude that the siting and appearance of the proposed development would cause no significant harm, either to the area's character and appearance, or in any other respect. In addition, the development would comply with Policy DM32 and help to deliver infrastructure for which a need has been identified. The appeal is therefore allowed.

*J Felgate*

INSPECTOR