



Appeal Decision

Site visit made on 9 April 2021

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 APRIL 2021

Appeal Ref: APP/D5120/W/20/3262663

Manor Road, Erith, London DA8 2AW

- 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 Hutchinson 3G UK Ltd against the decision of the Council of the London Borough of Bexley.
 - The application Ref 20/01942/GPDO8, dated 6 August 2020, was refused by notice dated 5 October 2020.
 - The development proposed is a 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 dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (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; in this case in respect of the safety of the pedestrian environment. My determination of this appeal has been made on the same basis.

Planning Policy

3. The principle of development is established by the GPDO 2015, and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard to be had to the development plan. Therefore, I have had regard to the development plan, the *National Planning Policy Framework* (The Framework), Transport for London's 'Streetscape Guidance' Fourth Edition 2019 Revision (TFLSG) and the Planning Practice Guidance only in so far as they are a material consideration relevant to matters of siting and appearance, taking into account any representations received; in this case in respect of the safety of the pedestrian environment.
4. As the principle of development is established by the GPDO 2015, considerations such as the need for a telecommunications installation are not a relevant matter. As such, the Council determined that prior approval was required and refused. Accordingly the main issue is set out below.

Main Issue

5. The main issue is:

- the effect of the siting and appearance of the proposal on the safety of the pedestrian environment.

Reasons

6. The area surrounding the appeal site is typified by industrial and warehouse type units which are separated from the highway by tarmacked footways that are lined with lamp-posts on the appeal side of the road, and include a cycle path and road traffic signage on the opposite side of the road. The appeal site is located on Manor Road near to the junction with Turpin Lane between two marked HGV/vehicular entrances associated with the neighbouring industrial units. The site has a pedestrian 'pram-ramp' on its right-hand side that is mirrored on the adjacent footway as it runs on this side of the road towards the residential area of Slade Green, and is directly adjacent to the right-hand HGV/vehicular access.
7. The proposed installation would be located on Bexley Highways land in front of a brick built raised and landscaped bed on the footway that is directly adjacent to the right-hand HGV/vehicular entrance and includes an 18m monopole with a wrap-around cabinet and three other cabinets.
8. At the time of my site visit a partial coronavirus lockdown was still in place. As such, all but non-essential retail premises were closed. Therefore, footfall along Manor Road is likely to have been considerably lower than would be expected under normal circumstances, particularly in respect of those who might be clinically vulnerable, including some people with disabilities. Nevertheless, there was a steady flow of pedestrian and vehicular activity in the area. Consequently, I was able to observe the pattern of pedestrian and vehicle movements and behaviour. I noted that the relatively sparse street furniture including the lamp-posts and motor traffic signage did not appear to obstruct visibility or prevent pedestrians from moving freely in and around the footway. Moreover, the main highway was well used, including HGV vehicles accessing and emerging from the surrounding industrial areas and units.
9. Paragraph 112 of the Framework says that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G), as supported by the Governments 'Future Telecoms Infrastructure Review' 2018. Indeed, the proposal would be likely to enhance digital communication for residents and businesses in the surrounding area. However, while the main parties agree that the appearance of the installation would not be at odds with the industrial type environment, and whether, as the Appellant contends, the cabinets are within size limits to be classified as permitted development without prior approval or not, the fact remains that the scheme before me, including the wrap-around base cabinet is one of considerable bulk and mass at street level.
10. As such, notwithstanding the Appellants reference to TFLSG 'linear type' footways in support of the scheme, which the appeal site is not, the installation next to the protruding raised bed would significantly reduce the width of the pavement available to pedestrians adjacent to the defined 'pram-ramp' as it curves round to the adjoining HGV/vehicular entrance way.

11. Indeed, the installation would introduce physical clutter at this 'pinch point' on the footway where currently there is none, the cumulative effects of which would impede the existing free flow of pedestrians, cause congestion, particularly for those in a wheelchair or using a mobility scooter, and increase the likelihood of conflict as people manoeuvre round the cabinets, and potentially into the path of an emerging or a turning vehicle associated with the nearby industrial sites and warehouses.
12. My opinion is reinforced by my site visit observations where I noted that the presence of the cycle way on the opposite side of the road to the appeal site appears to make the footway adjacent to the appeal site more attractive to those on foot, which in combination with the relatively well used and unfettered highway, that does not include the use of double yellow lines in this location, makes the possibility of a collision more likely.
13. Therefore, I conclude that by virtue of its size and siting and cumulative effect, the installation would obstruct and erode the footway, and hence be detrimental to the pedestrian environment, particularly in regard to convenience and safety. Although not determinative, it would conflict with the aims of Policies CS01, CS09, and CS15 of the Bexley Core Strategy 2012, and Policy ENV39 of the Bexley Council Unitary Development Plan 2004, which seek, amongst other things to protect and enhance the built environment.
14. For similar reasons, the proposal does not accord with Paragraph 113 of the Framework which explains that where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.

Other Matters

15. It has been brought to my attention by the Bexley Highways Authority that the TFLSG explains that, subject to negotiations with adjoining landowners, in such cases there might be scope for alternative locations for a proposal beyond a highway boundary. However, notwithstanding that the Appellant has explored a number of site-sharing or upgrade options, I have limited details of potential alternative sites before me. Therefore, I cannot be certain whether an alternative site proposal would overcome my findings above or not. Moreover, my findings are not outweighed by the relatively modest sustainability and social and economic benefits associated with one telecommunications installation.

Conclusions

16. For the reasons given above I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR