



Appeal Decision

Site Visit made on 26 April 2021

by **S Dean MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 May 2021

Appeal Ref: APP/G5750/W/20/3263835

**Telecommunications Site 90101/NHM017, 2-96 Trinity Gardens,
Canning Town, E16 4QA**

- 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 Mobile Broadband Network Limited against the decision of London Borough of Newham.
- The application Ref 20/01340/FUL, dated 25 June 2020, was refused by notice dated 24 August 2020.
- The development proposed is Removal of 6no existing antennas, associated supports and 7no equipment cabinets, installation of 1no 7.5m stub tower with 6no new antennas, 8no equipment cabinets and associated ancillary works thereto.

Decision

1. The appeal is allowed, and planning permission is granted for Removal of 6no existing antennas, associated supports and 7no equipment cabinets, installation of 1no 7.5m stub tower with 6no new antennas, 8no equipment cabinets and associated ancillary works thereto at Telecommunications Site 90101/NHM017, 2-96 Trinity Gardens, Canning Town, E16 4QA in accordance with the terms of the application, Ref 20/01340/FUL, dated 25 June 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans; 002 Site Location Plan, 215 Max Configuration Site Plan, 265 Max Configuration elevation, all with the suffix "600781_NHM017_90101_E0193_M006, Issue F, 04/06/2020".
 - 3) The development hereby permitted must be removed, and the site restored as soon as reasonably practicable after it is no longer required for electronic communications purposes.

Preliminary Matters

2. The London Plan 2021 has been published by the Mayor, setting the spatial development strategy for London and is now part of the development plan. The decision notice for the appeal application referred to policies in the London Plan 2016 and the 2019 Draft London Plan which have not substantively changed upon publication. As such, I have not found it necessary to seek the views of the parties on the published London Plan 2021.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host building and the wider area.

Reasons

4. The appeal site is a tall block of flats, one of several in a group of varying sizes, with an existing mixture of antennae, masts and dishes mounted on the roof visible from much of the surrounding area. The site lies near to the junction of Beckton Road, Hermit Road and Barking Road, part of which is designated as an Area of Townscape Value (ATV). Limited information has been provided to me as to the significance of the Barking Road ATV, but it does include an attractive three-storey brick-faced terrace. Notwithstanding that, the area immediately around both the site and the ATV is of mixed age, scale, use, character and appearance. In addition, the site is clearly distinct from the ATV in terms of its character and appearance, with existing telecoms equipment already visible in the context of the ATV and the wider area.
5. I accept that the appeal proposal would be more prominent than the existing telecoms infrastructure on the building, and that it would be visible from the surrounding area due to its height and location. However, I do not consider that either the height or the massing is excessive, given the overall scale of the building and the relative scale of the proposal. I also note from my site visit that the application drawings offer a perspective and a perception of telecoms equipment which is not easily attainable on the ground. They also do not show the relative weight and visibility of the telecoms equipment which when viewed from the street would be set against the sky, reducing its visibility and apparent weight. As such, I do not consider that the proposal would be visually discordant or intrusive such that it would cause harm to the character and appearance of the building, the area or erode the character of the ATV.
6. In reaching this conclusion, I note the support in the National Planning Policy Framework (the Framework), the London Plan and the London Borough of Newham Local Plan 2018 (the Local Plan) for high quality communications infrastructure. Advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. I also note that policies and decisions should support the expansion of the communications network, and that the delivery of 5G infrastructure is specifically referenced. This type of infrastructure is an increasingly common and widespread element of street furniture, and it is not unusual to see telecoms equipment on tall buildings, either here or elsewhere in the area. As such, it is no longer as unusual or jarringly different as it once was, leading me to consider that its effect on the character and appearance of its surroundings is also lessened.
7. As a result, I therefore consider that the proposal would not cause harm to the character and appearance of the host building or the wider area. It would therefore accord with Policies D1, D3, D4 and D8 of the London Plan, Policies S4, SP1, SP3 and SP8 of the Local Plan. These policies all seek, amongst other things, to ensure that development is of high-quality, delivers a well-designed public realm, respects positive elements of place and integrates with the street scene. I also consider that the proposal does not cause harm to the significance of the ATV as a non-designated heritage asset, and as such, accords with guidance in the National Planning Policy Framework (the Framework) on conserving and enhancing the historic environment.

Conditions

8. Despite several requests, the Council did not supply any suggested conditions to be imposed were this appeal to be allowed. However, having had regard to the requirements of the Framework and the Planning Practice Guidance (PPG) I have imposed standard conditions concerning commencement (1) and compliance with the submitted plans (2) in order to ensure the satisfactory appearance of the completed development. I have also imposed a condition requiring the removal of the equipment as soon as reasonably practicable after it is no longer required. I am satisfied that conditions meet the tests in, and requirements of both the Framework and the PPG.

Conclusion

9. For the reasons given above I conclude that the proposal accords with the development plan and there are no material considerations which indicate that a decision be taken other than in accordance with it. The appeal should therefore be allowed, and planning permission granted.

S Dean

INSPECTOR