



Appeal Decision

Site visit made on 28 April 2021

by D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 27th May 2021

Appeal Ref: APP/G5180/W/20/3259314

Junction of Bourne Vale and Mounthurst Road, Bromley BR2 7NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by MBNL against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/01847/TELCOM, dated 20 May 2020, was refused by notice dated 15 July 2020.
 - The development proposed is telecommunications equipment. Proposed 15.0m High EE/H3G Phase 8 Street Pole on New Root Foundation C/W 3No. H3G Antennas, 3No. EE/H3G Antennas, 2No. H3G Hybrid BOBs, 3No. EE/H3G 18/21 MHAs & 1No. H3G GPS Node and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposal therefore requires assessment on the basis of siting and appearance.
3. The Council considered the original application against policies in the London Plan (March 2016) that have been superseded by the London Plan (March 2021). Appeals are decided on policies in the development plan that is in force at the time of the appeal decision. I have therefore considered the proposed development against the 2021 London Plan, insofar as it is relevant to the appeal.

Main Issues

4. The main issues are the effects of the siting and appearance of the proposal on the character and appearance of the surroundings and whether any harm identified is outweighed by the wider public benefits.

Reasons

Siting and appearance

5. The site is part of a green space that runs either side of Bourne Vale, which serves as a local movement corridor for both vehicular and pedestrian traffic. The green space is relatively flat and, notwithstanding a number of trees, has a sense of openness that is integral to its character. The area is predominantly residential in nature with housing mostly of two to three storeys and suburban appearance.
6. There is an established presence of telecommunications equipment in this part of the green resulting from the existing mast and associated boxes. The existing equipment is utilitarian in appearance and does not contribute positively to the appearance of the street scene. The existing mast is a given prominence due to the exposed nature of the location which affords extensive public and private views from around the green. The lack of screening and rise of the existing mast above the adjacent trees adds further to the prominence.
7. The taller mast proposed, with wider upper section, would further increase the prominence of telecommunications equipment in this open location. The effect of the mast on the immediate surroundings would be to introduce a feature to the street scene that would be out of context with the scale of natural and built features in the area and inconsistent with a residential character that is suburban in nature.
8. The greater scale of the mast would also result in wider visibility of telecommunications equipment, with associated impacts that would be further reaching. The extent of such views would go beyond glimpses, and would include greater visibility from roads away from the green, such as further south down Bourne Vale. In these views the upper section of the proposed mast would be seen rising above housing and would appear as an incongruous feature.
9. The scale, coupled with the utilitarian appearance of the mast, would detract from the appearance of an area that, whilst not subject to a specific landscape or heritage designation, is overwhelmingly suburban and residential in character.
10. Attempts to mitigate the visual impacts of the proposal are noted, including the siting in proximity to existing street furniture. It is also noted that the new mast would be sited further down Mounthurst Road, and therefore away from the junction with Bourne Vale, than the existing mast. However, the evidence does not demonstrate that these factors will sufficiently mitigate the effects of the proposal. Conditions seeking to govern the colour of the mast would not be effective in reducing the impact to an acceptable degree.
11. There is some inconsistency in the evidence about the extent to which existing equipment, including the current mast, is to be replaced. This is a matter that has had limited influence on my overall conclusions and views about the impact of a mast of the scale proposed on the surroundings.
12. Overall, the siting and appearance of the proposal would result in harm to the character and appearance of the surroundings. Consequently, there is conflict with Policies 37 and 89 of the Bromley Local Plan which includes requirements that development should positively contribute to the existing street scene and,

in respect of telecommunications equipment, minimise any adverse impacts on the character and appearance of the area.

Wider public benefits

13. I have carefully considered the Appellant's evidence relating to the need for the proposal to be in this location and of the scale proposed. Some of the evidence lacks depth, including consideration of alternative locations. Notwithstanding this, the evidence points to a number of benefits, including those resulting from upgrading the existing network and facilitating delivery of 5G and mast sharing. I also recognise the public benefits of supporting the expansion of electronic communications networks, in line with policy in section 10 of the National Planning Policy Framework.

14. Overall, the wider public benefits, is a factor that should attract weight in this decision.

Conclusions

15. The siting and appearance of the proposal would result in harm to the character and appearance of the surroundings by virtue of the increased prominence of the equipment and the effects on both the immediate locality and more extensively.

16. The effects must be weighed against the wider public benefits discussed above.

17. Weighing these factors up, the public benefits resulting from the proposal do not outweigh the harm to the character and appearance of the surroundings and therefore the conflict with Local Plan policy.

18. In final conclusion, and having regard to all other matters raised, the appeal is dismissed.

D.R. McCreery

INSPECTOR