The Planning Inspectorate

Appeal Decision

Site visit made on 19 May 2021

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2021

Appeal Ref: APP/H1515/W/20/3257274
Crown Street at the junction with Coptfold Road, Brentwood, Essex, CM14 4BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
- The appeal is made by Cornerstone and Telefonica, against the decision of Brentwood Borough Council.
- The application Ref 19/01746/PNTEL, dated 17 December 2019, was refused by notice dated 10 February 2020.
- The development proposed is the installation of a 20m slim line column supporting 4No. shrouded antennas, 1No. transmission dish, 2No. equipment cabinets, 1No. meter cabinet and ancillary development thereto.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has made 2 further appeals[1], which are linked in nature but relate to 3 separate sites. Accordingly these appeals, although considered jointly, are subject to separate decisions.

3. 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 on these matters. My determination of this appeal has been made on the same basis.

Planning Policy

4. 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 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.

[1] APP/H1515/W/20/3257277 & APP/H1515/W/20/3257508

Main Issues

5. The main issues are the effect of the siting and appearance of the development on the character and appearance of the area and the outlook of surrounding residential occupiers; and whether any harm would be outweighed by the need to site the installation in the location proposed, having regard to the potential availability of alternative sites.

Reasons

6. The proposed new equipment would be located on the outer edge of the pavement, adjacent to the kerb line, at the junction of Coptfold Road and Crown Street. To the north of the site there is a wide pavement and verge, beyond which there is a multi-storey carpark of similar height to the proposed 20m column. The pavement juts out into the centre of Coptfold Road, restricting entry by vehicles from Crown Street. I agree with the council and local residents that visually, the siting of the equipment would appear to be almost in the middle of what was once a two-way carriageway.

7. With the exception of the multi-storey carpark, the immediate surrounding properties are predominantly residential. Although I observed the presence of various sign posts, traffic signs, street lighting columns and telegraph poles within the immediate vicinity, these are primarily located towards the back edge of the footpath or in the grass verge and are much lower in height and slimmer than the column proposed.

8. I acknowledge that the multi-storey carpark would screen the equipment in views from the north and north east and that it would form a backdrop in other long distance views. However, the scale of the equipment, including the cabinets, together with its forward siting, would significantly detract from the scale and siting of other street structures in the area. The proposal would be particularly prominent when viewed from Primrose Hill, Crown Street and Coptfold Road. As a result of this, the proposal would in my view result in obtrusive and visually prominent features, which would be harmful to the appearance of the area and the outlook of local residents.

9. There is no dispute that a new site is required in this area to replace the former roof top site at Ewing House in Brentwood. I afford this need significant weight. However, it is also necessary to consider whether or not this need could be met by an alternative site, which would result in less harm. Moreover, I have been advised that this site alone would not be capable of providing the same level of coverage as the site it is intending to replace. Accordingly a second site would need to be approved elsewhere within the area.

10. Paragraph 113 of the Framework is clear that the number of new sites should be kept to a minimum and where these are required, equipment should be sympathetically designed and camouflaged where appropriate. I have not found that to be the case here. The Framework also favours the use of existing masts, buildings and structures over the erection of new free standing structures.

11. The alternative appeal sites before me, which I was requested by both main parties to have regard to, demonstrate that the option of placing the equipment on the roof of the multi-storey carpark is available and that would, in my view, be much less harmful in terms of siting and appearance than the

proposed new ground based equipment. Moreover, this single roof top site would be capable of providing the required level of coverage, without relying upon a second site. Having regard to the availability of alternative sites, I therefore find that the harm from this proposal would not be outweighed by the need to provide appropriate coverage in this area.

12. The appellant has provided me with copies of numerous appeal decisions for similar proposals. However, I have determined this case on its own merits having particular regard to the alternative available sites also before me.

13. The proposal would be contrary to Policies CP1and IR2 of the Brentwood Replacement Local Plan (August 2005), which require amongst other things that new development would not have an unacceptable detrimental impact on visual amenity, the character and appearance of the surrounding area or the general amenity of nearby occupiers. Policy IR2 also requires evidence to be provided that there are no alternative structures. Whilst I appreciate that this was the case at the time the appeal was submitted, I have since found that the top of the multi-storey car park would be an appropriate site for the required replacement.

Conclusion

14. The siting and appearance of the proposed 20m high column and associated cabinets would result in harm to the character and appearance of the area and the outlook of surrounding residential occupiers. Given that I have an alternative less harmful site before me that would provide coverage for a greater area, the harm I have identified would not, in this case, be outweighed by the public benefit. Consequently I conclude that the appeal should be dismissed.

Rachael Bartlett

INSPECTOR