
Appeal Decision

Site visit made on 29 June 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2021

Appeal Ref: APP/G5750/W/21/3270365

Junction of Boundary Road with Denbigh Road, Upton Park, London E6 3JY

- 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 (as amended).
 - The appeal is made by Mr James Reilly (Dot Surveying Ltd) against the decision of the Council of the London Borough of Newham.
 - The application Ref 20/01574/PRETEL, dated 24 July 2020, was refused by notice dated 7 September 2020.
 - The development proposed is described as 'a new 18m high H3G Phase 8 Streetpole installation'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under 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. I have determined the appeal on this basis.
3. The provisions of the GPDO do not require regard to be had to the development plan. I have therefore only had regard to the development plan policies insofar as they are material to matters of siting and appearance.
4. The new London Plan 2021 (LP2021) was published on 2 March 2021 and replaces previous versions of the London Plan. In terms of policies relevant to this appeal, there have been no material changes in LP2021 from those contained in the Intend to Publish (December 2019) and Publication (December 2020) versions of the plan. No party has been prejudiced by me proceeding with the appeal in light of this change in policy.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal scheme relates to an area of public realm in a prominent location close to the convergence of several road junctions. It currently consists of a paved hard surface and contains two trees, road signs, lampposts and low-level bollards. The area predominantly consists of 2 storey terraced housing, and includes a handful of local shop units. New City Primary School is located nearby to the north-west, and Brampton Manor Academy and Newham University Hospital are to the south.
7. The appeal proposal consists of the installation of an 18 metres tall monopole and associated cabinets to facilitate 5G coverage. The proposed monopole would be substantially taller and much wider than the existing street furniture. Consequently, its height and bulk would be out of scale with the existing street furniture and it would appear as a dominant and incongruous feature in the surroundings. Furthermore, the antenna would be unshrouded, which would result in an unsightly and utilitarian appearance that would be out of keeping in this predominantly residential area. The low-rise nature of the surrounding built form would emphasise the dominance and discordant scale of the proposal, and there would be very limited screening provided by trees or other features. It would appear particularly dominant in relation to Nos 219 – 223 Boundary Road and 1 & 3 Denbigh Road. Moreover, the monopole would be highly visible in a range of directions due to its siting close to the convergence of several roads, including Lonsdale Avenue/Boundary Road, Denbigh Road, Humberstone Road, Tunmarsh Lane and New City Road.
8. The number and size of the proposed cabinets would add to the visual impact of the monopole as they would be sited in a prominent and exposed location in the middle of an area of public realm with limited screening. Combined with the proposed monopole, they would result in a visually intrusive and cluttered appearance in an area that is currently largely open. This would not be adequately mitigated through colouring of the equipment. The appellant has indicated that the cabinets should not form part of the appeal because they are permitted development. However, to my mind they would be part and parcel of the operation of the proposed monopole and there is little to indicate that there is a greater than theoretical possibility that the installation of the cabinets on their own might take place.
9. For the above reasons, I conclude that the proposed development would cause significant harm to the character and appearance of the area. It would therefore be contrary to Policies D1, D4, D8 and SI6 of the LP2021 and Policies S6, SP1, SP3 and SP8 of the Newham Local Plan 2018 (the Local Plan), which, amongst other things, require high quality design, which respects, takes advantage of, and enhances the positive elements and distinctive features of the Borough. It would also be contrary to Chapter 12 of the National Planning Policy Framework (the Framework), which, amongst other matters, seeks the creation of high quality places and developments that are sympathetic to local character.

Other Matters

10. The Framework advises that high-quality and reliable communications infrastructure is essential for economic growth and social well-being. It states that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology such as

5G. Further, the number of masts and sites for installations should be kept to a minimum consistent with the needs of customers and efficient operation of the network, and existing masts, buildings and other structures should be utilised. Policy INF4 of the Local Plan also sets out that sufficient utilities infrastructure capacity (including telecoms) will be established to meet the needs of development.

11. The appellant's evidence refers to alternative sites that were considered but discounted for various reasons, including accessibility and proximity to residential buildings. The Council has not disputed the appellant's assessment that the alternative sites referred to are not suitable, and I have no reason to doubt the appellant's evidence in this regard. Furthermore, I acknowledge that the proposal is needed to improve 5G coverage and I attach significant weight to the economic and social benefits provided by improved communications infrastructure. However, on balance I find that these benefits would be outweighed by the significant harm that the proposal would cause to the character and appearance of the area.

Conclusion

12. The proposal would conflict with the development plan taken as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given above, the appeal is dismissed.

C Osgathorp

INSPECTOR