



Appeal Decision

Site Visit made on 23 June 2021

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2021

Appeal Ref: APP/B5480/W/21/3269367

North Hill Drive, Romford RM3 7YX

- 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 MBNL (EE UK LTD & H3G UK LTD) against the decision of London Borough of Havering.
 - The application Ref M0019.20, dated 23 October 2020, was refused by notice dated 1 December 2020.
 - The development proposed is the installation of a 20m monopole supporting 12no antenna apertures & 2no 300mm dishes; installation of 7no cabinets; ancillary development thereto.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of a 20m monopole supporting 12no antenna apertures & 2no 300mm dishes; installation of 7no cabinets; ancillary development thereto at North Hill Drive, Romford RM3 7YX, in accordance with the terms of application Ref M0019.20, dated 23 October 2020, and the plans and details submitted with it.

Preliminary Matters

2. The address of the site is set out in slightly different ways on the application form, appeal form and the Council's decision notice. I have used the address from the application form.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), 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. My determination of this appeal has been made on the same basis.
4. On 2 March 2021 the London Plan 2021 was published, replacing the London Plan 2016. The Council and appellant have provided comments on the implications of this within the appeal submissions.

Planning Policy

5. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have therefore had regard to the policies of the development plan, any related guidance and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

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

Reasons

7. The appeal site is situated alongside North Hill Drive, at the south western tip of a wide grassed area of open space, close to the roundabout intersection with Noak Hill Road. A line of mature trees forms the northern boundary of the open space and residential properties face it from the east. A mature street tree is situated within the pavement forward of the appeal site, other street trees are present opposite the site, backed by a mature hedgerow which forms part of the boundary of Noak Hill Recreation Ground. The immediate area is therefore a mix of predominantly residential and public open space. The proposed monopole would be sited adjacent to existing cabinets, between the pavement and a row of timber bollards. The proposed associated equipment and meter cabinets would be situated behind and parallel to the existing bollards.
8. The attractive trees, hedgerows and grassy open spaces, provide this part of North Hill Drive with a spacious verdant character. Nonetheless, the site is not an exposed location. There is a proliferation of street furniture already existing close to the site, which despite being significantly shorter than the proposed monopole, nevertheless, in combination with existing trees, creates vertical emphasis within the street scene. Although the proposed monopole would be about twice the height of the nearest street trees and lighting columns, the installation, while prominent within its immediate surroundings, would not be viewed as a surprising or harmful feature either in views from the surrounding area or from nearby properties, including those on Wincanton Road and Noak Hill Road.
9. The proposed monopole has a simple and slimline design which would not attract attention. It would not overly dominate any notable view and its presence would be softened in long and short views by the nearby trees and the gentle rise and fall in land levels to the north west and north east. It would appear as functional infrastructure, not unexpected by the side of a road. I am not of the opinion that the monopole would detract from the open and spacious character.
10. The proposal would introduce 7 cabinets, one of which would be integrated at the base of the monopole. There is dispute between the parties whether or not the equipment cabinets form part of the application. Nevertheless, even if I were to agree with the Council that all of the cabinets require prior approval, I am satisfied that the number, scale, layout and design of the cabinets, set within the context of existing street furniture, and positioned parallel to the

highway, would not result in unnecessary or unacceptably harmful visual clutter.

11. I therefore conclude that the proposal would not harm the character and appearance of the area. Insofar as they relate to the siting and appearance of the proposal, I consider that the proposal accords with Policies DC61 and DC64 of the Havering Core Strategy and Development Control Policies Development Plan Document 2008.

Other Matters

12. I note the extant permission, granted on appeal, for the installation of a 15 metre high monopole alongside North Hill Drive south east of the site. Whilst that application was made for the same reason as the appeal scheme before me, the appellant has advised that due to technical constraints that development cannot be carried out. The Council does not dispute this matter. I accept that the two schemes differ not only in location but also in height and number of cabinets and are therefore not directly comparable. As such I consider that permission to be of limited applicability to the case before me, which I have necessarily determined on its own merits.
13. Concern has been raised that insufficient information has been provided in relation to potential exposure to radio waves resulting from the proposed development. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
14. I have also had regard to local concerns including matters relating to obstruction of the use of the open green space, future servicing of equipment, acquisition of the land and vandalism. I have given careful consideration to these matters, some of which the Council have not raised any objections to, but they do not lead me to a different conclusion on the main issue nor do they amount to harm in which would justify withholding consent.
15. I note the suggestion that consideration has not been given to a potential alternative siting within Noak Hill Recreation Ground. However, given my consideration on the main issue it is unnecessary to address the merits of alternative sites. There is no requirement in the Framework or the GPDO to select the best feasible siting. In any case, this issue was not reflected in the Council's reason for refusal.

Conditions

16. Class A of Part 16 of Schedule 2 of the GPDO imposes relevant conditions as standard. It specifies that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications

purposes and the land restored to its condition before the development took place.

17. The Council has suggested a condition with a shorter implementation period for the development and a condition requiring the removal of equipment as indicated on the submitted plans. However, the submitted plans do not propose the removal of any existing equipment and this condition is not therefore relevant or necessary. In any case, the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions, for development by electronic communications code operators, and I see no reason to reduce the implementation period from that imposed by the GPDO. Consequently, I have not imposed those suggested conditions.

Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

S Tudhope

INSPECTOR