



Appeal Decision

Site visit made on 18 August 2021

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 AUGUST 2021

Appeal Ref: APP/D5120/W/20/3264104

Long Lane, Bexley Heath, London DA7 5AE

- 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). (GPDO)
 - The appeal is made by MBNL against the decision of the Council of the London Borough of Bexley.
 - The application Ref 20/02366/GPDO8, dated 17 September 2020, was refused by notice dated 13 November 2020.
 - The development proposed is a telecommunications upgrade. Proposed 20m AGL Phase 8 monopole c/w wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As the principle of development is established by the GPDO, considerations such as the need for a telecommunications installation are not a relevant matter. As such, the Council determined that prior approval was required and refused.
3. The provisions of the GPDO under Schedule 2, Part 16, Class A do not require regard to be had to the development plan. Therefore, I have had regard to the development plan, the *National Planning Policy Framework* (the Framework), and the Planning Practice Guidance only in so far as they are a material consideration relevant to matters of siting and appearance, taking into account any representations received; in this case in respect of the safety of the pedestrian environment. Accordingly the main issue is set out below.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposal on the safety of the pedestrian environment.

Reasons

5. The appeal site is located in a predominantly residential area on a paved and tarmacked footway to the front of a two and three-storey shopping parade that faces onto Long Lane on either side of a well-used highway. There are parking spaces to the front of the appeal site, and there is a pedestrian 'zebra-crossing' to the left-hand side of the site when viewed from the opposite footway.

6. The walkways on both sides of the highway include a section of shop type forecourts, which in combination with the pavement, provide space for a range of street furniture such as; bike racks, lamp-posts, seats, a post-box, a bus-shelter, bollards, and commercial style 'A' boards. There is also a telecommunication monopole on either side of the road, one of which is located directly on the appeal site towards the edge of the footway/kerb which includes a number of equipment cabinets at its' base.
7. The proposal is to replace the existing monopole on the appeal site with a 20m monopole with wraparound cabinets at its base that would be positioned behind the existing equipment cabinets. The existing monopole and cabinets would be removed.
8. At my site visit during a week-day morning the footfall along Long Lane was relatively light. Nevertheless, there was a steady flow of pedestrian and vehicular activity in the area. Consequently, I was able to observe the pattern of pedestrian and vehicle movements and behaviour. I noted that the street furniture did not appear to obstruct visibility or prevent pedestrians from moving freely in and around the footway. Moreover, the main highway was well used.
9. Paragraph 114 of the Framework says that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G), as supported by the Governments' 'Future Telecoms Infrastructure Review' 2018. Indeed, the proposal would be likely to enhance digital communication for residents and businesses in the surrounding area. Moreover, while I have limited details before me, I acknowledge that suitable alternative sites are likely to be in short supply for a proposal of this type.
10. However, while the appearance of the monopole is likely to be assimilated into the built form of the surrounding two and three-storey commercial type backdrop, and the existing vertical structures such as the adjacent monopole and nearby lamp-posts would lessen the prominence and visual impact of the proposal, the fact remains, whether the associated cabinets are permitted development or not, that the proposal is one of considerable scale and mass at street level that includes, for example, a wrap-around base cabinet.
11. As such, notwithstanding that the existing monopole and equipment cabinets would be removed from the appeal site, the proposal would significantly reduce the width of the footway available to pedestrians. Indeed, the siting of the proposal towards the centre of the footway is such that the majority of the remaining walkway away from the kerb edge would be across private shop forecourts. Therefore, I cannot be certain whether unrestricted access would always be available to pedestrians passing by, particularly at times of maintenance or upgrade to the public highway. Indeed, the installation would introduce physical clutter towards the centre of the footway where currently there is none, the cumulative effects of which would impede the existing free-flow of pedestrians, cause congestion, particularly for those in a wheelchair or using a mobility scooter, and increase the likelihood of conflict as people manoeuvre round the cabinets, potentially into the path of parking or moving vehicles on the adjacent highway.

12. Indeed, while there are no recorded objections to the proposal by ward Councillors, my opinion is reinforced by my site visit observations, where I noted in this specific location on Long Lane that the nearby bus-shelter appeared to make the footway more attractive to those making their way to the stop, in comparison to the footway on the other side of the road.
13. As such, in combination with the well-used and relatively unfettered highway, the bulky clutter and positioning of the proposal towards the centre of the footway makes the possibility of a collision more likely; especially for those hurrying in pursuit of a bus service.
14. Therefore, I conclude that by virtue of its siting and bulk, the installation would obstruct and erode the footway, and hence be detrimental to the pedestrian environment, particularly in regard to convenience and safety. Although not determinative, it would conflict with the aims of Policies CS01 and CS09 of the London Borough of Bexley Core Strategy 2012, and Policy ENV39 and ENV45 of the Bexley Council Unitary Development Plan, 2004 and the Framework which seek, amongst other things, to protect and enhance the built environment.

Planning Balance

15. My attention has been drawn to an appeal decision in support of the Appellants' case¹. However, my findings above are not outweighed by the relatively modest sustainability, social and economic benefits associated with one telecommunications installation.

Conclusions

16. For the reasons given above I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR

¹ APP/M5450/W/20/3244354