
Appeal Decision

Site Visit made on 11 October 2021

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2021

Appeal Ref: APP/G5180/W/21/3270252

Westmoreland DNS, Westmoreland Road, Bromley, BR2 0TY

- 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 MBNL against the decision of London Borough of Bromley.
 - The application Ref DC/21/00073/TELCOM, dated 10 January 2021, was refused by notice dated 24 February 2021.
 - The development proposed is a proposed 20.0m High EE/H3G Phase 8 Streetpole on root foundation and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). The main parties have had the opportunity to provide comments on the revisions.
3. The provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) require the local planning authority and therefore the Secretary of State 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. 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 to be had to the development plan. I have had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area, as well as on the living conditions of nearby occupiers, with particular regard to outlook.

Reasons

6. The proposed location of the mast is an area of footway to the frontage of a parade of shops, with residential development over. Adjacent to the location is a petrol filling station. There are clear views of the location from the adjacent

roads. There are trees within the vicinity that rise to a considerable height, most notably lining the opposite side of Westmoreland Road but there is also a large tree in proximity to the proposed location.

7. The appeal scheme seeks to erect a 20-metre-high mast, with associated cabinets. At the proposed height, the mast would be significantly taller than other vertical features in the area, including lampposts, buildings and trees that are present within the immediate vicinity. As a result, it would appear as a discordant feature, that is harmfully out of scale with the vertical extent of surrounding features.
8. Westmoreland Road is a relatively flat stretch of road and as a result views along the road are extensive. The mast would be visible to both drivers and pedestrians travelling along this road and in the majority of views would be set against an open sky, accentuating its prominence, as well as the level of visual intrusion. The presence of trees in the area would not sufficiently mitigate this effect, particularly during winter months when they are not in leaf.
9. I note that the existing nearby mast is intended to be removed should approval be forthcoming. However, this would not go far enough to overcome the significant harm that would be caused by the appeal development to the character and appearance of the area. Indeed, the proposed mast would be seen as an isolated, prominent, tall, and visually intrusive form of development, materially departing from the scale seen in other street apparatus in the locality. In addition, this harm would not be overcome by imposing a condition to control the colour of the mast.
10. I acknowledge that the proposed mast would be located in proximity to residential units that are located above the parade of shops. In views outwards from these units towards Westmoreland Road the new mast would be an obvious feature. However, its appearance from these units would not be so dominating or oppressive to result in unacceptable living conditions, by reason of its effect on outlook.
11. The appellant contends that a search of alternative sites has not taken place due to the proposal comprising a replacement of an existing mast. However, the location of the mast would be altered, and the height would be substantially increased. To my mind, this represents a significant departure from the existing development and as such should be considered a new site.
12. There is reference to the existing location being previously agreed as the most appropriate location. However, this was some time ago (the Council states approximately 16 years ago) and in the intervening time there may well have been changes that result in a more appropriate site being located elsewhere. Moreover, the location was considered acceptable for a mast that is almost half the height of that which is now proposed. On this basis, I cannot be satisfied that the proposed location would not be the least harmful option that is available.
13. For the reasons given above, while there would be no unacceptable effect on the living conditions of nearby occupiers, the proposal would be harmful to the character and appearance of the area. Thus, insofar as they are material considerations, the proposal would conflict with policies 37 and 89 of the Bromley Local Plan (2019), insofar as they seek to ensure development

positively contributes to a streetscene and that any adverse impact on character and appearance is minimised.

Planning Balance

14. I acknowledge that the proposal would deliver economic and social benefits including the ability to advance 5G technological innovations, in accordance with paragraph 114 of the Framework. However, even when taking this into account, it would not outweigh the significant harm that would be caused to the character and appearance of the area.

Conclusion

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR