



Appeal Decision

Site Visit made on 20 October 2021

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2021

Appeal Ref: APP/E5900/W/21/3271486

Area of pavement opposite 17 and 19 Joshua Street, Tower Hamlets, London E14 0RN

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Winston Bryan (GBC) against the decision of London Borough of Tower Hamlets.
 - The application Ref PA/20/02374, dated 9 November 2020, was refused by notice dated 4 January 2021.
 - The development proposed is Proposed installation of a 15m high H3G Phase 8 street pole c/w wraparound cabinet and 3 no. additional ancillary equipment cabinets.
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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 proposed installation of a 15m high H3G Phase 8 street pole c/w wraparound cabinet and 3 no. additional ancillary equipment cabinets at area of pavement opposite 17 and 19 Joshua Street, Tower Hamlets, London E14 0RN in accordance with the terms of the application Ref PA/20/02374, dated 9 November 2020, and the plans submitted with it including plans Ref: 002 Site Location Plan; 100 Existing Site Plan; 150 Existing Site Elevation; 215 Proposed Site Plans; 265 Proposed Site Elevation; 304 Proposed Configuration Antenna Schedule; and 306 Equipment Schedules & Dependencies.

Preliminary Matters

2. The description of the development in the banner heading above is taken from the decision notice which accurately describes the proposal.
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. The principle of development is established by the GPDO which does not require regard to be given to the development plan. I have had regard to those policies of the development plan provided by the Council, and the National Planning Policy Framework (Framework) 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 siting and appearance of the proposed development on the street scene within Joshua Street.

Reasons

6. Joshua Street is a residential street characterised by two-storey dwellings and low-rise flats. The appeal site is an open area of pavement positioned adjacent to a car park area and the boundary to the footway and Blackwall Tunnel Approach (BTA) highway beyond. Vertical features are common in the area with the highway infrastructure along the BTA, streetlights, trees and views toward tall buildings evident.
7. The proposed mast and associated cabinets would not significantly contribute to street clutter as they would be located in a spacious section of the footway. Furthermore, the mast would not result in undue harm to pedestrian flow by aligning with the street trees and being on a wide section of footway that runs parallel to the BTA, before tapering out. This contrasts with the footway on the opposite side of the road, which provides access to the houses and has a continuous pedestrian link around the corner of Joshua Street.
8. The proposed mast would be a tall structure, although it would be similar in height to the block of flats in Joshua Street. As such, it would not appear unduly tall in the street scene. It would be a narrow structure allowing views to permeate either side. Moreover, seen in the same context as the dominant BTA highway and its associated infrastructure and trees and street lights, along with more distant taller buildings, the mast would not appear incongruous or unexpected.
9. I therefore conclude that the proposal would not appear unduly dominant or visually intrusive. As such, the effect of the siting and appearance of the proposed development on the street scene within Joshua Street would not be harmful.
10. Insofar as they are material considerations, I have had regard to, and find no conflict, with Policies S.DH1 and D.DH11 of the Tower Hamlets Local Plan (2020) (LP). These policies, amongst other things, stipulate that the installation of new telecommunications apparatus is required to minimise its impact on the street scene.

Other Matters

11. Telecommunications are required to comply with the International Commission of Non-Ionizing Radiation Protection (ICNIRP) guidelines. A certificate confirming this is in evidence. In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. Moreover, no substantive evidence has been submitted to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified in this instance.
12. Furthermore, there is no firm evidence that the proposal would lead to a deterioration of the living conditions of occupiers of nearby properties, an increase in anti-social behaviour or would be at risk of flooding.

Conditions

13. Any permission granted under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must be carried out in accordance with the details submitted with the application (unless otherwise agreed in writing by the local planning authority), 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 former condition.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed.

Mr R Walker

INSPECTOR