
Appeal Decision

Site Visit made on 12 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/21/3276905

Area of Grass Verge, Station Hill, Hayes, Bromley, London, BR2 7EA

- 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 William Comery, Hutchinson 3G (UK) Limited against the decision of London Borough of Bromley.
 - The application Ref DC/21/01634/TELCOM, dated 31 March 2021, was refused by notice dated 24 May 2021.
 - The development proposed is the proposed erection of a 15 metre high Phase 8 telecommunications pole with built-in cabinet, 3no. separate cabinets and ancillary works.
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Decision

1. The appeal is allowed and approval is granted for the erection of a 15 metre high Phase 8 telecommunications pole with built-in cabinet, 3no. separate cabinets and ancillary works at Area of Grass Verge, Station Hill, Hayes, Bromley, London, BR2 7EA in accordance with the terms of the application, Ref DC/21/01634/TELCOM, dated 31 March 2021, and the following plans submitted with it:
 - 002 Site Location Plan - BMY12993_Planning_Rev B
 - 100 Existing Site Plan - BMY12993_Planning_Rev B
 - 150 Existing Site Elevation - BMY12993_Planning_Rev B
 - 215 Proposed Site Plan - BMY12993_Planning_Rev B
 - 265 Proposed Site Elevation - BMY12993_Planning_Rev B
 - 304 Proposed Configuration Antenna Schedule - BMY12993_Planning_Rev B
 - 307 Equipment Schedules & Dependencies - BMY12993_Planning_Rev B

Preliminary Matters

2. I have taken the description of development from the appeal form, as it provides an accurate account of the development proposed.
3. 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.
4. The provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (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.

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 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

6. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

7. The appeal site comprises an area of land within the grass verge located along Station Hill. The hill rises to the south leading to an area characterised by two-storey residential development. However, to the rear of the specific proposed location there are a number of trees that rise to a significant height, as well as buildings rising to three-storeys in height. These three-storey buildings stretch north down the hill, additionally they are also framed by the presence of further trees at a lower level.
8. The appeal scheme proposes the erection of a 15-metre-high mast within the grass verge. While it would introduce a new visual element into the townscape, it would not be out of scale with other features that can be seen within the area. I acknowledge that the nearby trees would not screen the mast in direct close proximity views, however they would nonetheless provide a context in terms of height, against which the mast would be associated.
9. I acknowledge that at the highest part of the mast the antennae would be bulkier than the mast itself which may have the consequence of drawing the eye to it. Nonetheless, given the context within which it would be viewed, together with that masts with antennae atop are somewhat common features of sub-urban environments, I consider that it would not be unduly prominent. Moreover, given the position set back from the edge of the road within a wide grassed verge, the mast would not be an overly dominant feature of the streetscene at this location.
10. Accordingly, I find that the proposal would have an acceptable effect on the character and appearance of the area. Thus, it would accord with policies 37 and 89 of the Bromley Local Plan (2019), insofar as they seek to ensure that development complements the scale of adjacent buildings and area, as well as that the impact of telecommunication development on an area is minimised.

Other Matters

11. As I have found that the proposal would have an acceptable effect on the character and appearance of the area, I have no need to consider alternative sites. I note that two appeal decisions have been cited by the Council, however no further information has been provided in respect of the details of those schemes. I am therefore unable to draw any useful comparisons between these previous schemes and the scheme that is before me.
12. I note that there is a public bench adjacent to the proposed siting, as well the outdoor space associated with nearby residential unit. There is no substantive evidence before me that shows that the proposal would diminish the attractiveness of these features. There is also nothing before me that would

lead me to conclude that the proposal would result in any detriment to highway safety within the vicinity or result in unacceptable living conditions for nearby occupiers.

13. Concerns have been raised over the potential health effects of the installation. The appeal is accompanied by the appropriate Declaration of Conformity with ICNIRP Public Exposure Guidelines and as such I have no need to consider this matter further.

Conclusion

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

Martin Allen

INSPECTOR