



Appeal Decision

Site Visit made on 12 July 2021

by Mark Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2021

Appeal Ref: APP/Z5060/W/20/3265118

The Heathway, Dagenham, London RM9 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 & 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 the Council of the London Borough of Barking and Dagenham.
 - The application Ref 20/01244/PRICOM, dated 15 June 2020, was refused by notice dated 31 July 2020.
 - The development proposed is described as 'the installation of a 20 metre phase 8 pole with wrap around cabinet built around the base, 3no. new equipment cabinets and ancillary development thereto'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Schedule 2, Part 16, Class A require the local planning authority to assess the proposed development solely on the basis of its siting and appearance. My determination of this appeal has been made on the same basis.
3. The Council has referred to a number of development plan policies in its decision notice. However, 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 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.
4. The London Plan March 2021 (the LP) was published subsequent to the submission of the appeal and supersedes the 2016 iteration. Insofar as relevant to this appeal, the adopted policies are the same as the versions listed in the Council's decision notice. The appellant had the opportunity to comment on those as part of their statement. I have proceeded on this basis, accordingly referring to the 2021 London Plan.
5. The reason for refusal also contains reference to policies within the Barking and Dagenham Draft Local Plan (the DLP). However, as the DLP has not been formally adopted and may be subject to further change, in accordance with paragraph 48 of the Framework, I only attach limited weight to these policies.

6. On 20 July 2021, the Government published a revised version of the National Planning Policy Framework (the Framework). However, the revised Framework does not materially alter the national policy approach in respect of the issues raised in this appeal.

Main Issue

7. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area and whether any harm caused is outweighed by the need to site the installation in the proposed location.

Reasons

8. The appeal site is adjacent to Heathway, which is a busy highway running north-south through Dagenham. The surrounding area is mainly residential and is characterised predominantly by two storey terraced properties. The appeal site is located within a relatively wide section of the footway adjacent to an area of landscaped open space. There is an existing monopole and a number of existing ground based cabinets adjacent to the site. Nearby items of street furniture include street lighting, telegraph poles, a telephone box and road signs. Trees within the area of open space and in the footways provide some greenery.
9. The proposals are designed to accommodate 5G services and are an upgrade of an existing base station. The proposed works involve the installation of a 20m high monopole with associated antennas, three additional ground based equipment cabinets, and the removal of the existing monopole and one cabinet. The proposal would be sited slightly further north than the existing monopole at the back edge of the footway. In order to minimise coverage downtime during construction both monopoles would operate together for a period of 3-6 months.
10. The proposed monopole would be much higher than the existing monopole which is a slimline structure and would be significantly taller than the existing street lights and other items of street furniture. It would also rise significantly above the height of the nearby two storey dwellings. The width of the proposed monopole would be noticeably wider than the existing pole and street lights. The proposal would therefore be an unduly dominant and incongruous feature in relation to its surroundings.
11. The proposal would be harmful to the street scene due to its prominent siting on a well-used footway, and would be highly visible in the skyline. I am mindful that the height of the proposed development must be sufficient to enable local provision. However, the size and utilitarian appearance of the proposed monopole would appear out of scale and overly prominent within its setting, particularly in views from Heathway and from the adjacent grassed open space. Furthermore, the three additional cabinets would result in an increase in street clutter which would exacerbate the harm to the street scene.
12. Although the nearby trees would filter some views of the monopole, these will not be in leaf all year round, and would be insufficient to mitigate the impact given the significant height of the proposal. The trees would have little effect in screening the proposal from the open space. The appellant indicates that the monopole could be painted should that be considered necessary. However, the

harm would arise principally as a result of the scale of the proposal and the colour would therefore not sufficiently mitigate this impact.

13. For the above reasons, I conclude that, due to its siting and appearance, the proposal would cause significant harm to the character and appearance of the area. The proposal would therefore conflict with Policy CP3 of the Core Strategy¹, Policies BP8, BP11 and BC12 of the Local Plan², and Policies D4 and SI6 of the LP. Amongst other things, these policies require new development to achieve a high standard of design which would not adversely affect the character and appearance of the area, while Policy SI6 addresses telecommunications proposals. The proposal would also conflict with guidance within the Framework, including in requiring equipment on new sites to be sympathetically designed.
14. Policy D1 of the LP was referred to in the Council's reason for refusal, but as it relates to area assessments and preparation of development plans to meet growth requirements, it is of limited relevance to the main issue.

Other Matters

15. The proposed installations would be sited on either side of the gate which provides pedestrian access into the area of open space. Therefore, on the basis of the evidence before me, I am satisfied that the proposals would not obstruct access to the open space. However, this is a neutral factor and would not carry weight in favour of the proposal.
16. Paragraph 117 of the Framework states that evidence must be supplied to demonstrate that alternatives have been taken into consideration. The appellant has undertaken a sequential approach to site selection with all the alternatives discounted. However, the information before me is limited to a very brief commentary on why each site is unsuitable.
17. Of the three alternative sites considered, two relate to existing buildings which have been discounted because they would involve installations of significant height which would be out of keeping with the host buildings. However, no further details have been provided and I have found that the appeal proposal would also have a significant adverse impact which would be out of keeping with the area. A third alternative located at the junction of Heathway and Reede Road has been discounted because it would be too far removed from the search area to provide the required level of coverage and capacity. However, there is little detailed information before me regarding the search area that compares the signal coverage of the proposal to that which would be achievable from this alternative location. I therefore have insufficient evidence before me to be satisfied that the appeal site represents the least harmful option available in the area to meet the additional coverage and capacity requirements.
18. The appellant has referred to a number of allowed appeal decisions relating to telecommunications equipment. However, I do not have sufficient information about these cases, including details of siting and layout, to enable me to draw comparisons to the appeal scheme which limits the weight which I can attach

¹ London Borough of Barking and Dagenham Core Strategy 2010

² London Borough of Barking and Dagenham's Local Development Framework Borough Wide Development Policies Development Plan Document 2011

to them in my decision. Furthermore, I must consider the appeal on its own merits.

Planning Balance and Conclusion

19. Paragraph 114 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. The proposal would provide significant benefits through the upgrade to digital telecommunications in this part of Dagenham allowing for additional coverage and capacity, including the introduction of 5G technology to the locality. I acknowledge that the proposal has been designed to be shared between two operators, which would reduce the proliferation of telecommunications equipment, and that it would also be used by the Emergency Services. These factors weigh in favour of the proposal.
20. The appellant argues that an upgrade to the existing base station is preferable to requiring a new site. However, based on the evidence before me, it has not been demonstrated that the appeal site is the best available option for minimising the effect of the development. Therefore, notwithstanding the need for the proposed installation, and the benefits which would arise from it, I conclude that the benefits would not outweigh the significant harm that I have identified to the character and appearance of the area or the conflict with the development plan.
21. The appeal should therefore be dismissed.

Mark Ollerenshaw

INSPECTOR