



Appeal Decision

Site visit made on 12 October 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2021

Appeal Ref: APP/W5780/W/21/3270458

RDB10686 - Close to the junction of Green Lane IG1 1YJ

- 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 GPDO).
 - The appeal is made by Mr William Comery of Hutchison 3G UK against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3374/20, dated 14 October 2020, was refused by notice dated 18 November 2020.
 - The development proposed is 15m street works installation located on an area of pavement close to the junction of Green Lane with Stanley Road.
-

Decision

1. The appeal is allowed and approval 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 siting and appearance of a 15m street works installation at RDB10686 - Close to the junction of Green Lane IG1 1YJ, in accordance with application Ref: 3374/20, dated 14 October 2020, and the associated requirements of the GPDO.

Procedural Matters

2. I have used the description of development on the appeal form in the banner heading and decision above as it is the most accurate and concise before me.
3. In March 2021, after the Council made its decision, the new London Plan was adopted. As a consequence, Policy 6.3 of the former London Plan (2016) referred to in the decision notice, is now superseded. I have not therefore had further regard to it in my decision. The main parties had the opportunity to comment on the new London Plan during the appeal.
4. After the appeal was lodged the Government published a new National Planning Policy Framework (the Framework). The main parties have had the opportunity to provide comments on the revisions therein and I have therefore had regard to the new Framework without prejudice to the main parties.
5. The principle of development is established by the GPDO. The provisions of the 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. It does not require regard be had to the development plan. Therefore, I have had regard to the policies of the Redbridge Local Plan 2015-2030 (adopted 2018) (RLP) and the Framework only insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issue

6. The effect of the proposal on the street scene and cycle provision, and whether any harm caused is outweighed by the need to site the installation in the location proposed having regard to the potential availability of alternative sites.

Reasons

Effect on the street scene – siting and appearance

7. It is proposed to install a 15m telecommunications pole and associated equipment cabinets (the Mast) at the corner of Green Lane and Stanley Road, within a mixed residential and commercial area. The street corner contains three trees adjacent to a row of three cycle stands. To the east, beyond a single-storey commercial unit, is a parade of three-storey buildings. Two-storey terraced housing is to the north and south, and further to the west beyond a roundabout between Green Lane and Sunnyside Road. The roundabout is fronted along its north edge by a single-storey building.
8. The siting of the Mast would necessitate the relocation of the cycle stands amongst the trees. Whilst this would inhibit access to them to a degree, I do not consider that it would be to such an extent so as to disincentivise their use or make them practically unusable. As such, I do not consider that the scheme would lead to the loss of cycle provision or conflict with Policy LP23 of the RLP.
9. The curvature of Green Lane means that the Mast would be obscured from view from much of the approach to the site from the east and west. From the east, when the site would open up to view, the Mast would be seen within the foreground context of intervening lampposts which would give the perspective of being the same height. The Mast would also sit against a backdrop of tall buildings. From the west, the Mast would not be seen until quite close by and would appear against the backdrop of the gable end of the three-storey parade. The colour of the installation would reflect that of lampposts in the area.
10. However, within its immediate environs, the Mast would be out of scale with the surrounding, more modestly sized buildings. The potential damage to or loss of the existing trees, which I am unable to rule out on the evidence before me, would have a deleterious urbanising effect. As such, the Mast would have a limited, harmful effect on the street scene in close quarters. This draws it into conflict with the relevant aims of Policies LP25, LP26 and LP38 of the RLP.

Alternative sites

11. Paragraph 115 of the Framework advises that the number of masts should be kept to a minimum, consistent with the needs of consumers, efficient operation of the network, and providing reasonable capacity for future expansion. Paragraph 117 advises that, where a new mast is proposed, evidence should be submitted to demonstrate that the applicant has explored the possibility of erecting antennas on an existing building, mast, or other structure.
12. The Mast is proposed to fill a gap in coverage centred just to the south, around Sunnyside Road. The area around Sunnyside Road is dominated by modest terraces of housing fronting narrow streets with narrow pavements, populated by numerous lampposts. It is likely therefore that there is an absence of candidate sites for the Mast there. A desktop study also suggests a paucity in site sharing opportunities in the area, which is unsurprising, given its

constraints. Whilst there are existing telecoms sites within the control of the appellant in the wider area, none are close enough to address the coverage gap.

13. This indicates that the sequential approach to site selection set out in Paragraph 117 of the Framework has been followed, and that there are no opportunities for erecting antennas on existing buildings, masts, or other structures in this area. This has not been questioned by the Council which also has not suggested alternative sites. Consequently, on the evidence before me, I am satisfied that there are no suitable and available alternative sites that would have a less harmful impact on the character and appearance of the area. This factor therefore weighs heavily in favour of the proposal.

Other matters

14. A previous telephone kiosk offered an enclosed and more private space for antisocial behaviour. Given that such enclosure would not be offered by the Mast, I am not persuaded that this behaviour is likely to return because of it.

Other considerations

15. The Framework advises that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It further provides that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G.
16. The Mast would increase network capacity and provide ultra-fast and more reliable connectivity in a densely populated area. In doing so, it would offer extensive social and economic benefits to individuals, businesses, and public services. The Mast would also cause localised harm to the street scene. However, given the absence of an alternative, more suitable location for it, I consider the substantial social and economic benefits of the proposal outweigh the harm identified in this case.

Conditions

17. Any planning permission granted for the development 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, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, 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 condition before the development took place.

Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

Matthew Jones
INSPECTOR