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## Appeal Decision

Site visit made on 13 October 2021

**by Rory MacLeod BA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 November 2021**

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**Appeal Ref: APP/G5180/W/21/3267857**

**Land at the junction of Hawes Lane, Red Lodge Road, West Wickham, Bromley BR4 0EL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) Schedule 2 Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO).
  - The appeal is made by Hutchison 3G UK Ltd against the decision of the Council of the London Borough of Bromley.
  - The application Ref DC/20/04405/TELCOM, dated 18 November 2020, was refused by notice dated 18 January 2021.
  - The development proposed is telecommunications installation: 15m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
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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 a 15m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works regarding the siting and appearance of a telecommunications installation at land at the junction of Hawes Lane, Red Lodge Road, West Wickham, Bromley BR4 0EL in accordance with the terms of the application DC/20/04405/TELCOM, dated 18 November 2020, and the plans submitted with it: BMY12126\_M002 Rev B.

### Preliminary Matters

2. An application for prior approval for the erection of an 18m high monopole at this site was refused in 2020.
3. Prior approval was refused but allowed on appeal<sup>1</sup> in October 2020 for a telecommunications mast 12.5m high at a site just to the south west along Red Lodge Road for a different operator. This had not been implemented at the date of my site visit.
4. There is no dispute between the parties that the proposal satisfies the limits to permitted development set at Paragraph A.1. to Class A of Part 16 to the GPDO. Paragraph A.3.(4) requires that before development can commence that a determination be made as to whether prior approval will be required as to the siting and appearance of the development.

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<sup>1</sup> Land opposite 10 and 11 Red Lodge Road. Appeal Ref: APP/G5180/W/20/3245522. Application Ref DC/19/02554/TELCOM

## Main Issue

5. The main issue is whether the proposal's public benefits would be outweighed by any impacts from its siting and appearance on the character of the area and on the appearance of the street scene, having regard to the existence of less harmful alternative sites in the event that harm is identified.

## Reasons

6. The appeal relates to a relatively wide section of footway in Red Lodge Road, just to the south-west of the junction with Hawes Lane. The surrounding area is predominantly commercial in character. To the rear of the site is a raised surface level car park for a leisure centre. There is a parade of shop units within a two storey terrace on the opposite side of Red Lodge Road. To the north-east on the opposite side of Hawes Lane is The Railway public house, a three storey building. Hawes Lane is mainly residential in nature in buildings of two storeys.
7. The proposed monopole would be located at the back edge to the footway adjacent to a sloping wall topped by railings to a height of about 2m. The car park behind is extensive in area. The monopole would therefore be located within a relatively open and conspicuous location. There are 2 two vertical lighting columns in the car park and a street lamp in Red Lodge Road near to the proposed site all about 10m high. The monopole would be higher and thicker than these.
8. There is a tree about 15m high in the grounds of the leisure centre close to the footway in Red Lodge Road to the south-west of the current appeal site, close to where approval has been granted for a mast 12.5m high. This tree and others nearby would offer limited screening for the current appeal proposal in more distant views from the south-west and would form a backdrop in views from the north-east.
9. The proposed monopole would be prominent in views from the shops along the opposite side of Red Lodge Road. But telecommunications equipment on the leisure centre roof would also be seen as a skyline feature in these views. In views from residential buildings towards the north-western end of Hawes Lane, the monopole would be viewed as a distant feature across the open car park.
10. My findings are that the proposal would be in keeping with the commercial character of the area which includes telecommunications apparatus, lighting columns, signage and street furniture but that its large scale and relatively conspicuous siting in an open setting would result in some harm to the appearance of the street scene.
11. The purpose of the installation is to provide the appellant new 5G coverage thereby facilitating significantly improved connectivity for the target search area. The appellant has operational sites in the wider area, but these would not be suitable for 5G coverage in the target area as due to the higher frequencies utilised, the cell areas tend to be far smaller. Chapter 10 of the Framework supports the provision of high quality communications. Paragraph 114 states that planning decisions should "*support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections*". The proposal would result in the public benefit of improved connectivity in accordance with these objectives.

12. Paragraph 115 of the Framework encourages the use of existing masts, buildings and other structures and states where new sites are required, such as for new 5G networks, *"equipment should be sympathetically designed and camouflaged where appropriate"*. Paragraph 117 requires for a new mast or base station, evidence that the possibility of erecting antennas on an existing building, mast or other structure has been explored. The appellant has followed a sequential approach claiming the current proposal to be the optimum option. Nonetheless, in view of its street scene impact, it is appropriate to examine the existence of possible alternatives where the siting and appearance may have a lesser impact.
13. The designated search area is predominantly residential in nature in which siting the proposal much closer to sensitive receptors would not be preferable. The appellant has provided commentary on 6 assessed alternative locations. Narrower footways with insufficient width to house equipment and proximity to dwellings have formed constraints in these alternatives. Complications relating to a new bike lane led to the discount of an option on the other side of Red Lodge Road closer to the shops. Whilst planning policies encourage the sharing of sites, the appellant points out that a shared 5G structure would require multiple levels of open antenna headframes on a considerably more bulky and intrusive support structure.
14. In my judgement, the need for the facility in the immediate area and the benefits of improved digital connectivity would outweigh the harm arising from its scale and appearance in a relatively open setting. As such, the proposal would not conflict with Policies 37 and 89 of the Bromley Local Plan (2019) as the need for the development has been demonstrated and regard has been given to locating a site and a design which causes least visual impact subject to operational needs. The proposal would also satisfy the Framework's approach to balance visual impact with recognition of the objective to support high quality communications.
15. The Council point out the proposal would compare unfavourably with that allowed on appeal to the south-west in that it would be higher and further from trees in the grounds of the leisure centre that would offer screening from certain directions. Nonetheless, both the allowed and proposed monopoles would be prominent from other positions along Red Lodge Road. Furthermore, each case has to be considered on its individual planning merits.

## **Conditions**

16. 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) and A.3(11) 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 and must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application. Conditions at Paragraph A.2(2) state that the development 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**

17. Whilst the open siting of the proposed telecommunications pole would result in limited harm to the appearance of the street scene, this would be outweighed by the proposal's public benefits. The appeal should therefore be allowed.

*Rory MacLeod*

INSPECTOR