
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

Appeal Ref: APP/E5330/W/20/3263491

Pavement outside Premier Inn, Green Lane, Eltham, London SE9 3TJ

- 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 Ltd against the decision of the Royal Borough of Greenwich Council.
 - The application Ref 20/2807/T3, dated 13 September 2020, was refused by notice dated 11 November 2020.
 - The development proposed is installation of a 18m Phase 8 Monopole C/W wraparound 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 18m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works regarding the siting and appearance of a telecommunications installation at the pavement outside Premier Inn, Green Lane, Eltham, London SE9 3TJ in accordance with the terms of the application Ref 20/2807/T3, dated 13 September 2020 and the plans submitted with it: 002A, 100A, 150A, 210A, 260A, 303A and 305A.

Preliminary Matters

2. The Council's decision notice refers to the 2019 version of the National Planning Policy Framework (the Framework) which was replaced in July 2021 by a new version. The content of chapter 10 on supporting high quality communications has not changed but the paragraph numbers have.
3. The decision notice also refers to policies in the London Plan (2016). This has been replaced by the London Plan (2021). I have had regard to updated policies in this Decision.

Main Issues

4. The main issue is whether the proposal's public benefits would be outweighed by impacts from its siting and appearance on (a) the character and appearance of the area in relation to its siting and scale and (b) public safety in relation to driver distraction and restrictions to pedestrian flows.

Reasons

Character and appearance

5. The appeal site is located on the eastern side of Green Lane, a little to the south of an intersection with Sidcup Road (the A.20) and Southwood Road. This is a mainly commercial area with shops, a petrol filling station and vehicle sales facing the interchange.
6. The proposal would be sited close to a loading area alongside a Premier Inn, 4 storeys high and rising to 13m to its roof and 16m to recessed rooftop plant according to the appellant's drawings. There is a mature street tree about 13m high just to the south of the proposed siting. Street lamps along the road frontages are about 10m high. Low and high level traffic lights also form vertical structures in the vicinity.
7. The proposed monopole would therefore be higher than buildings in the immediate area and wider than other street furniture, but it would nonetheless assimilate reasonably well into the locality's context. In closer views from the south, the large street tree would screen the monopole with the top of the structure only being visible in longer views. The Premier Inn building would obstruct views of the monopole from the east and north east along Sidcup Road and Southwood Road. The monopole would be more conspicuous when viewed from the north and the west but would still be seen against the mass of the Premier Inn building which would be almost as high. There is a technical requirement for the height of the monopole to be sufficient to enable local provision and clear the height of surrounding buildings. The monopole would not appear unduly conspicuous or incongruous in its immediate setting.
8. 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. 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.
9. 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 claims to have followed a sequential approach, resulting in the current proposal, but as this would be a new installation, the existence of possible alternatives where the siting and appearance may have a lesser impact should be examined.
10. The site search area is predominantly residential in nature to the south and north-east but the proposed siting would be in a mainly commercial setting and would have no material impact on residential receptors, even those at the adjacent hotel having regard to window positions. Constraints including underground services, narrow footways and the proximity of housing have

been cited as reasons for discounted options for the installation. From the information available to me, I am satisfied that there is not a better location for the installation.

11. My findings are that the proposal's public benefits in relation to increased connectivity would outweigh any harm arising from its siting and appearance on the character of the area and appearance of the street scene. The proposal would not be contrary to Policies DH1 and DH(c) of the Royal Greenwich Local Plan (2014) (RGLP) or Policy D3 of the London Plan (2021) (design-led approach) which require the design of development to be appropriate to its urban context with a site-specific design solution, and for telecommunications development a site location which causes minimal visual impact subject to operational needs. The proposal would accord with the provisions of Chapter 10 of the Framework in supporting high quality communications.
12. The Council has drawn to my attention a dismissed appeal for a 20m high monopole near to a road intersection¹. However, the site circumstances differ in that the dismissed proposal related to an intersection, with open aspects to its corners which create a distinct sense of spaciousness with built development set back some distance from the intersection. By contrast, the current proposal would be close to the Premier Inn building and in a less open setting.

Public safety

13. The monopole and array of cabinets would be positioned along the front edge to the footway close to the street tree also located on the front edge to the footway with the cabinets largely beneath the tree's canopy. There are a Green Lane name sign and a traffic information sign at the back edge to the footway a little to the other side of the proposed monopole. Pedestrians already have to manoeuvre between existing footway obstructions. The presence of the large tree on the footway's front edge means that the proposed row of cabinets would not change this. Nonetheless, the footway is wide at this point and even allowing for the occasional opening of cabinet doors for maintenance there should be ample room for pedestrians to pass. A further consideration is that the cabinets alone could be provided as permitted development without the need for prior approval. The proposal would not conflict with Policy IM(b) of the RGLP in relation to protecting and enhancing footpaths and cycleways.
14. Sidcup Road forms part of the strategic road network for which Transport for London (TfL) is the highway authority. TfL have objected to the proposal in relation to driver distraction in close proximity to a signalised junction. Traffic travelling north-west approaching the traffic lights would not be able to see the proposed monopole until reaching the junction due to the intervening presence of the Premier Inn building. The monopole would be viewed against a backdrop of the building for traffic travelling south-east approaching the junction. As it would be set back from the junction, it would not interfere with visibility of traffic signals. The proposal would be a static feature, unlike some digital advertisements, and notwithstanding the monopole's height, it would not form a distraction for drivers such as to materially compromise highway safety. The proposal would not conflict with Policy T4(f) of the London Plan requiring development to not increase road danger.

¹ Appeal Ref: APP/E5330/W/20/3256096 Junction of Crown Woods Way and Bexley Road, Greenwich, SE9 2PR

Conditions

15. 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.
16. The Council has suggested a condition with a shorter implementation period for the development and a pre-commencement condition requiring approval of details for the material finish of the proposal. However, the GPDO 2015 does not provide any specific authority for imposing additional conditions beyond the deemed conditions mentioned above. Consequently, I have not imposed those suggested conditions.

Conclusion

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

Rory MacLeod

INSPECTOR