



Appeal Decision

Site Visit made on 12 October 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2021

Appeal Ref: APP/E5330/W/21/3273716

Area of Grass Verge, Rochester Way, Shooters Hill, Greenwich, London SE9 1SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Hutchison 3G (UK) Limited against the decision of Royal Borough of Greenwich.
 - The application Ref 20/2671/T3, dated 4 September 2020, was refused by notice dated 29 October 2020.
 - The development proposed is 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 dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (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. Policies of the development plan and the National Planning Policy Framework (the Framework) may be considered relevant, but only in so far as they relate to these matters. My determination of the appeal shall proceed on the same basis.
3. Between the determination of the planning application and the appeal coming before me, the new London Plan¹ and a revised Framework² were published. The Council has subsequently indicated that Policies D3, D4, D8, S16 and HC1 of the new Plan are relevant to this appeal. The views of the appellant have been sought on these. Similarly, both main parties have had an opportunity to comment on the revised Framework.
4. The Council have not submitted an appeal statement in accordance with the timetable, therefore I have taken it that their case is based on the reasons in the officer's report and decision notice.

¹ The London Plan 2021

² National Planning Policy Framework (2021)

Main Issue

5. The main issue is the effect of the siting and appearance of the development on the character and appearance of the area, including the setting of the Progress Estate Conservation Area (CA).

Reasons

6. The appeal site comprises an area of grass verge between a pedestrian footway and Rochester Way, a wide and busy through road. The CA is located around 20m to the appeal site's west. It encompasses an early twentieth century housing development built on the design principles of Garden Suburb planning.
7. The CA's Character Appraisal³ lists its many characteristics to include the picturesque street layout, green spaces and relatively low-key density. The CA derives its significance from the historic ambience and charm created by the high-quality buildings, spaces and layout.
8. From the appeal site, the wide adjacent carriageway allows for expansive views of the housing and spaces within the CA to be appreciated. I also noted during my site visit that the more intimate streets at Moira, Granby and Brome Roads were close by and clearly visible from the appeal site. From those streets, there are views out of the CA of the appeal site and the rows of two storey terrace dwellings that line Rochester Way and Grangehill Road. Those properties are consistent with the scale of the buildings in the CA and contribute to a sympathetic interface and transition in the pattern of development between the heritage asset and the wider area. Consequently, the spatial and built typology of the area adjacent to the appeal site contributes positively towards the setting of the CA, from which it derives some of its significance.
9. The appeal proposal is to site a 15m telecommunications monopole with ancillary equipment including ground cabinets. It would improve the existing mobile signal offering in the area and provide a '5G' network.
10. The proposed monopole would rise significantly above the nearby two-storey houses while being much taller than other vertical elements in the street, such as streetlights, traffic signs and the attractive trees along Rochester Way. Whilst I appreciate that the mast must be taller than other objects in the vicinity to avoid frequency interference, it would be significantly out of scale and overly prominent within this largely residential area.
11. Given the immediacy of the CA to the appeal site's west, the monopole's height and chunky headframe would appear jarring and industrial in the context of the attractive spaces, street trees and cottage style dwellings, such that it would harmfully erode the setting from which those special features are appreciated, both from within and outside of the CA.
12. Whilst the trees on the adjoining garden land to the north would provide a degree of backdrop to the lower portion of the mast, they would not sufficiently reduce the monopole's visual impact on the street scene.
13. The appellant's efforts in reducing the height of the monopole from 20m to 15m are noted. But this does not reduce the harm that the proposal would

³ Progress Estate Conservation Area Character Appraisal

have on the character and appearance of the surrounding area, including the setting of the CA.

14. Three proposed equipment cabinets would be grouped closely together near the base of the monopole. They would be modest in height compared with the surrounding street furniture and buildings, while the appearance of the cabinets would be softened by the hedgerow and tall mature trees that would rise above them a short distance to the south. Furthermore, a condition could be used to ensure that their colour matches the adjacent vegetation, so that they assimilate better into their surroundings. Therefore, despite my concerns regarding the monopole, the proposed equipment cabinets would be acceptable in terms of their siting and appearance, while they would not harm the setting of the CA.
15. In view of the above, the proposal's siting and appearance would harm the character and appearance of the area, including the setting of the CA, the desirability and preservation of which the Act requires that special regard be given. Insofar as they are material considerations, I have also had regard to Policies D3, D4, D8, S16 and HC1 of the London Plan 2021 and Policies DH1, DH3, DH(c) and DH(h) of the Royal Greenwich Local Plan: Core Strategy with detailed Policies (2014), which amongst other things, require proposals to have regard to their location, local distinctiveness, scale, the setting of heritage assets and enhancing digital connectivity in appropriate locations.

Other Considerations

16. The current restricted coverage and capacity is at odds with the London Plan 2021 and the Framework's emphasis on extending and future-proofing digital connectivity that would result in economic growth and greater social inclusion. Moreover, the ongoing Covid-19 pandemic has highlighted the reliance of mobile connectivity and the need to make improvements where necessary and in light of growing demand. Additionally, the proposal would support economic and social objectives, and deliver benefits which may include improved support for home working, enabling smart devices and services as well as supporting future advances. The social and economic importance of 5G technology is also outlined in the Department for Digital, Culture, Media and Sport's letter of 27th August 2020. Therefore, from the evidence before me the appeal proposal would extend the reach of 5G coverage in the area and facilitate improvements in social and economic well-being. Such factors weigh strongly in favour of the proposal.
17. The appellant's alternative site assessment indicates that there are constraints associated with other new mast locations within the search area. Yet, the Framework advises (Paragraph 117) that for new telecommunication base stations such as the proposal, applicants should provide evidence of the possibility of erecting antennas on an existing building, mast or other structures. In this instance I have not been provided with details of the extent of buildings or other structures that could support the proposal. Whilst there may be none available in the search area or that those options are unviable, there is little information before me on those alternative sites, and I am not able to form my own view on the matter. Therefore, I consider that limited information for discounting of other sites has been provided with little evidence submitted to support assertions that other options are unavailable or unsuitable.

Other Matters

18. The appellant has referred to the similarities between the proposal and a scheme that was recently allowed at appeal at Penrose Street, Walworth⁴. However, that scheme was not adjacent to a conservation area, while the main issue in dispute related to pedestrian safety. Accordingly, given the different circumstances in that case I have given it limited weight.
19. The application was accompanied by ICNIRP certificate certifying that International Commission guidelines will be met. But this demonstrates a lack of harm rather than any public benefit, therefore it does not carry any weight in the planning balance.

Planning Balance and Conclusion

20. The harm that would occur to the setting of the conservation area would not be severe and therefore it would be 'less than substantial' within the meaning of the Framework. This is a matter of considerable importance and weight. Paragraph 202 of the Framework nevertheless requires such harm to be weighed against the public benefits of the proposal.
21. I have found that the proposal's public benefits including the economic and social benefits of upgrading electronic communication infrastructure to be significant, in addition to the support given by the London Plan 2021 and the Framework for such developments.
22. Taking these factors into account the proposal's significant benefits do not outweigh the extent of harm I have identified. I have also found that the unacceptable impacts would give rise to clear conflicts with the development plan, for reasons given earlier, as well as the Framework and the Act.
23. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR

⁴ APP/A5840/W/20/3254830, Appeal allowed on 10 November 2020