



Appeal Decision

Site visit made on 30 November 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2021

Appeal Ref: APP/G5750/W/21/3273057

Telecommunications Site 90093/NHM015, 53 To 139 Church Street, Stratford, London E15 3EH

- 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 appeal is made by Mobile Broadband Network Limited against the decision of London Borough of Newham.
 - The application Ref 20/02680/PRETEL, dated 4 December 2020, was refused by notice dated 29 January 2021.
 - The development proposed is upgrade of existing telecommunications base station including removal of 9no existing antennas to be replaced with 6no new antennas, internal upgrade of existing equipment room and associated ancillary works thereto.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), for proposal to upgrade of existing telecommunications base station including removal of 9no existing antennas to be replaced with 6no new antennas, internal upgrade of existing equipment room and associated ancillary works thereto at Telecommunications Site 90093/NHM015, 53 To 139 Church Street, Stratford, London E15 3EH in accordance with the terms of the application, Ref 20/02680/PRETEL, dated 4 December 2020, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 002 Site Location Plan; 100 Existing Site Plan; 150 Existing Elevation A; 215 Max Configuration Site Plan; 265 Max Configuration Elevation.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), under Article 3(1) and Schedule 2, Part 16, Class A, requires the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. Since the submission of the appellant's appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this I have sought the views of the main parties in writing and comments received have been taken into consideration.

Main Issue

4. The main issue is the effect of the proposals on the character and appearance of the surrounding area.

Reasons

5. The area surrounding the appeal site is characterised predominantly by residential properties. The appeal site comprises of a high rise apartment block with the built form in the area being a mix of two storey and high rise residential buildings.
6. The proposals would include the removal of existing antennas being replaced by new antennas that are located closer to the edge of the appeal buildings roof. Due to the design, size and siting of the structures proposed, they would not appear as intrusive features. The appeal building is a tall structure which would hamper most views of the proposals, particularly within close proximity to the site at street level. The proposals would be visible from longer distant views however, given the proposals sympathetic design they would not appear as dominant features.
7. Accordingly, the proposals would not have a harmful effect on the character and appearance of the surrounding area. The proposals would accord with Policies S1, SP1 and SP3 of the Newham Local Plan 2018, Policies D4, D8 & SI6 of the London Plan 2021 and the Framework which seeks development to be of high quality and be suitably located.

Conditions

8. Beyond the standard conditions which are imposed by the Town and Country Planning (General Permitted Development) Order 2015, I consider it necessary to add a condition relating to the identification of plans to provide certainty and clarity.

Conclusion

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

Chris Baxter

INSPECTOR