



Appeal Decision

Site visit made on 15 November 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10/01/2022

Appeal Ref: APP/Z5060/W/21/3270221

**Junction of Wood Lane and Heathway, Becontree, London, RM10 7SH
(Grid Ref Easting: 548922; Grid Ref Northing: 186370)**

- 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 Hutchison 3G UK Limited against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 20/01812/PRICOM, dated 11 September 2020, was refused by notice dated 28 October 2020.
 - The development proposed is the 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. A new London Plan 2021 (the London Plan) and a revised version of the National Planning Policy Framework (the Framework) have been published since the appeal was lodged. Both main parties were given the opportunity to comment on any relevant implications for the appeal and I have taken account of any comments made.
3. I have taken the description and location of the development from the planning appeal form as these accurately represent the proposal.
4. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Schedule 2, Part 16, Class A require the local planning authority to assess the proposed development solely on the basis of its siting and appearance. My determination of this appeal has been made on the same basis.
5. Part 16 of the GPDO establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.

6. Nevertheless, policy CP3 of the Core Strategy 2010; policies BP8, BP11 and BC12 of the DPD¹; and Policies D4 and D8 of the London Plan are material considerations as they relate to issues of siting and appearance. In particular, they seek to ensure that telecommunications development achieves a high standard of design which would not adversely affect the character and appearance of the public realm. Similarly, the Framework is also a material consideration in respect of supporting high quality communications and the sympathetic design of telecommunications infrastructure.
7. The Council refers to Policy D1 of the London Plan, but this relates to the preparation of area assessments and development plans, and is not relevant to this appeal.
8. The Council refers to a number of policies of the Draft Local Plan Regulation 19 consultation version. However, I have not been informed of the extent to which there are unresolved objections to relevant policies, and given the stage of preparation of this emerging plan it may be subject to further change. I therefore attach no more than limited weight to these policies as material considerations.

Main Issue

9. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area.

Reasons

10. The appeal site is located adjacent to a busy junction, next to a small area of grassed landscaping which includes a number of trees. The junction serves Wood Lane and Heathway which are two of the main roads running through this area. Although it is surrounded by low railings, the grassed area is of an open appearance. Despite its limited size, due to its prominent location the landscaping makes a significant contribution to the character and appearance of a streetscape dominated by enclosed gardens and hard surfacing.
11. The mast would project above nearby vertical man-made features including telegraph poles and streetlights, and would be of a greater scale and bulk. The mast would be located in the footway set forward of the limited number of trees within the landscaped area, and the trees would not provide a substantial degree of screening. The cabinets would also add an unacceptable element of clutter on the edge of this visually important area of landscaping. Whilst there are existing service cabinets on the edge of the landscaping, the proposal would add to these to an unacceptable degree. Within this context, the appeal proposal would appear as an obtrusive feature which would detract from the contribution that the landscaping makes to the streetscape.
12. For the reasons set out above, I conclude that, due to its siting and appearance, the proposal would cause significant harm to the character and appearance of the area.

Other Matters

13. Paragraph 117 of the Framework sets out that evidence must be supplied to demonstrate that alternatives have been taken into consideration. The

¹ Borough Wide Development Policies Development Plan Document 2011

appellant has undertaken a sequential approach to site selection with all the alternatives discounted. The appellant states that no site sharing or opportunities or existing structures were identified. However, even given the limited size of a 5G cell, the appeal site is outside of the identified area of search and little evidence is provided in respect of other existing sites or buildings which may fall within an appropriate distance.

14. The intended 5G cell covers a densely built suburban area, and it is logical that the mast would need to be sited away from features including dropped kerbs, vehicle parking and overhead cables. However, the appellant's comments on the limitations of other locations are set out in relatively general terms. Based on what I have seen and read I am not persuaded that the appellant has demonstrated that this visually harmful location is the only feasible option.
15. I am mindful of the economic and social benefits of providing and enhancing electronic communication infrastructure, as set out in the letter from the Department for Digital, Culture, Media and Sport of 27 August 2020. The appellant emphasises that the 5G service provides faster speeds and handles large amounts of data. Furthermore, paragraph 114 of the Framework advises that advanced, high-quality and reliable communication infrastructure is essential for economic growth and social well-being and that the expansion of electronic communication networks, including next generation mobile technology (such as 5G), should be supported.
16. These matters weigh in the proposal's favour. However, it has not been demonstrated that these benefits would not be possible on sites in the vicinity of the appeal proposal which are more suitably located in respect of character and appearance. These benefits therefore carry limited weight in favour of the appeal.
17. I also acknowledge that the appellant has reduced the height of the mast from a previous proposal, but this does not lead me to a different conclusion in respect of the harm arising from the appeal proposal. Reference has also been made to an appeal decision in the London Borough of Southwark, but I have not been provided with evidence to demonstrate that that appeal was a direct parallel to the appeal before me in respect of siting and appearance, and in any event I have determined this appeal on its own merits.

Conclusion

18. Based on the evidence before me, it has not been demonstrated that the appeal site is the only viable solution with regards to supporting high quality communications. I conclude that the benefits of the installation in terms of an enhanced telecommunications network as well as the locational needs of the operators would not outweigh the significant harm that I have identified to the character and appearance of the area. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR