



Appeal Decision

Site visit made on 15 December 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2022

Appeal Ref: APP/D5120/W/21/3274986

Land opp. 139 North Cray Road, Sidcup DA14 5HF

- 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 EE UK Ltd & Hutchinson UK Limited against the decision of London Borough of Bexley.
 - The application Ref 21/00058/GPDO8, dated 8 January 2021, was refused by notice dated 25 February 2021.
 - The development proposed is the installation of a 20.0m High EE / H3G Phase 8 Streetpole on new root foundation and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Order 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. My determination of this appeal has been made on the same basis.
3. Since the original decision The London Plan 2021 has been published by the Mayor of London. The policies contained in The London Plan 2021 replace those of The London Plan 2016 referred to in the Council's original decision and as such those policies are no longer relevant.
4. On 20 July 2021, the Government published its revised National Planning Policy Framework (the Framework). It replaces the previous version published in February 2019. The Framework represents the Government's up-to-date planning policies for England and how they should be applied.

Planning Policy

5. The principle of development is established by the Order, and the provisions therein do not require regard be had to the development plan. I have had regard to the policies of the development plan, any related guidance and the Framework only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

6. The main issue is the effect of the siting and appearance of the proposed development on the character and appearance of the area.

Reasons

7. The appeal site is located on a grass verge on the western side of North Cray Road. On this section of North Cray Road, both sides of the carriageway have prominent rows of trees on either side with a wide grassed central reservation. There is a row of streetlighting columns running along the eastern boundary, including two existing telecommunications monopoles. The monopole closest to the appeal site is 9.7m high, roughly the same height as the streetlighting columns, and is proposed to be removed. The second is further from the appeal site and is taller than the streetlighting columns. Both these monopoles sit broadly in line with the existing streetlighting columns and are heavily screened by the trees behind them, when viewed from the North Cray Road.
8. The existing telecommunication monopoles are relatively slender and innocuous installations. They do not appear overly obtrusive and sit relatively comfortably with the streetlighting columns in the area. In comparison, the proposal, due to its height, width and bulky headframe would be significantly more prominent.
9. The appeal site is located on the opposite side of the carriageway, at a point where the tree cover is slightly less dense with some gaps. Beyond these trees are residential properties of St James Way, that are within the High Beeches Conservation Area. On the section of North Cray Road where the proposed equipment would be installed, the street lighting columns are located in the central reservation. There are no notable items of street furniture on the western side of the road in the close vicinity of the appeal site.
10. Although the existing trees would provide a certain degree of screening, due to its overall height of 20m, the installation would be significantly taller. It would deviate from the line of the street lighting columns and would greatly exceed their height. It would therefore, as a result of its scale, be highly visible from long range views along North Cray Road and from within the High Beeches Conservation Area. Due to its overall scale and siting, it would represent an incongruous and dominant addition adversely affecting the character and appearance of the area. I do not consider that the appellants suggestion to the use of a specific colour for the installation would overcome the harm I have identified.
11. The appellant considers that the current siting was historically agreed by the LPA as the most appropriate location when the original installation was approved and therefore consider that the principle of the siting is already established. It is further outlined that the existing mast and the associated cabinets will all be removed, and that the replacement monopole, subject to this appeal, is of comparable height and similar width as the existing mast.
12. Although I have not been supplied with a specific distance, I have estimated from the evidence and my site visit, that the mast to be replaced is over 50m from the appeal site, on the opposite side of the road. Given this distance, and the clear differences between the sites, I therefore cannot agree that this equates to the establishment of the appeal site as a location for apparatus to

be installed. Nor do I agree that the replacement of the existing mast of 9.7m in height with an installation of 20m in height would constitute a 'comparable' installation in terms of height. It would also be significantly greater in width than the existing installation.

13. For the reasons set out above, the mast would cause significant harm to the character and appearance of the area. The proposal would be contrary to Chapter 10 of the Framework, which requires, amongst other things that equipment on new sites to be sympathetically designed and camouflaged where appropriate.
14. The proposed development would also be contrary to Policy CS01 of the Bexley Core Strategy (2012) and Policies ENV39, ENV45 and ENV49 of the Bexley Unitary Development Plan (2004). Collectively, these policies seek to ensure that development is of a high quality of design, having regard to the character and appearance of the area, including Conservation Areas, and that for telecommunications development, the siting, design and appearance of the equipment should minimise the visual impact on the environment.

Other Matters

15. The appeal site is adjacent to the Green Belt. In an appeal of this nature the principle of development is not a consideration and the question of whether or not the proposal represents inappropriate development in terms of the Green Belt is not applicable. I have considered the effect of the siting and appearance of the development in terms of character and appearance on the area above.
16. The appellant has submitted a copy of the document 'Councils and Connectivity - How local government can help to build mobile Britain' (2018). This document outlines the mobile industry's view on how local government can create an environment that is conducive to the building of mobile infrastructure. Although this document echoes the Framework in outlining the significance of the network, it does not appear to have been through any public examination and I give it little weight in the appeal.
17. I have been referred to a previous appeal decision¹ where the less than substantial harm to a designated heritage asset was outweighed by the public benefits of the proposal. Although I have not been provided with full details of the case, I concur with the Inspector that a balancing exercise should be carried out and the need to provide telecommunications coverage within the locality, and the Government's support for telecommunications infrastructure, are essential parts of that exercise. However, each case must also be determined on its own individual planning merits.
18. The appellant has referred to the use of the installation as part of the Emergency Services Network (ESN). Although I have not been provided with any evidence to demonstrate the significance of the proposed installation in this context or that there is a specific need or demand for the proposal to meet a deficiency in the ESN, in a similar manner to the provision of network coverage, this nevertheless weighs in favour of the proposal.
19. The appellant has commented that were I to allow the appeal, they would be agreeable to the imposition of conditions relating to the colour scheme and a requirement for the removal of their existing infrastructure. The Order does

¹ APP/F4410/W/20/3247802

not, however, provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators. Consequently, such conditions could not be imposed.

Planning Balance and Conclusion

20. I do not consider that the public benefits of the installation in terms of an enhanced telecommunications network, its contribution to economic growth, the operational and locational needs of the operators, or that it would replace an existing structure with a shared mast, outweigh the significant harm that I have identified to the character and appearance of the area.
21. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR