



Appeal Decision

Site visit made on 18 January 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2022

Appeal Ref: APP/G5750/W/21/3277186

Ron Leighton Way, Plashet, London Borough of Newham, London E6 1HW

- 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 UK Ltd against the decision of the Council of the London Borough of Newham.
 - The application Ref 21/00850/PRETEL, dated 2 April 2021, was refused by notice dated 3 June 2021.
 - The development proposed is a 15m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
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Decision

1. The appeal is allowed and prior 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 15m Phase 8 Monopole c/w wraparound Cabinet at base and associated ancillary works at Ron Leighton Way, Plashet, London Borough of Newham, London E6 1HW, in accordance with the terms of the application Ref 21/00850/PRETEL, dated 2 April 2021, and the plans submitted with it.

Procedural Matters

2. The proposal is permitted development under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (hereafter "the GPDO"), but prior approval is required for its siting and appearance by Paragraph A.3(3).
3. The Council's decision notice cited conflict with a large number of development plan policies. However, the provisions of the GPDO do not require regard be had to the development plan in this case. I have therefore had regard to the policies and related guidance of the development plan, and the National Planning Policy Framework ("the Framework") only in so far as they are material considerations relevant to matters of siting and appearance.

Main Issues

4. The main issues are whether or not the proposed installation would be acceptable, having particular regard to the effect of its siting on highway and pedestrian safety, and the effect of its appearance on the character and appearance of the area.

Reasons

Highway and pedestrian safety

5. The appeal site forms part of the public footway on the eastern side of Ron Leighton Way, next to a bus layby with two stops. An open triangular paved area, with three street trees, sits behind the main pavement between the appeal site and the end of the buildings on the north side of Pilgrims Way. The site is at the western edge of East Ham Major Centre, and the area to the east is predominantly commercial in nature; to the west, on the other side of Ron Leighton Way, the area is mostly residential.
6. The monopole and cabinets would be sited close to the back of the main pavement, which would reduce the available width of the footway from around 4m to approximately 3.1m. I saw that the area around the appeal site, including the bus stops, is well-used by pedestrians. However, I also saw that the principal pedestrian desire lines in the area appear to be between the bus stops and Pilgrims Way (leading to and from the town centre), in which case pedestrians tended to pass over the open paved area behind the appeal site, or between the pedestrian crossing to the south on Ron Leighton Way and Pilgrims Way, in which case the appeal site was bypassed entirely.
7. Interested parties drew my attention to the tendency of worshippers to gather in the area around the appeal site when arriving at or leaving services at the adjoining masjid on Pilgrims Way, with the result that there is already sometimes pedestrian congestion in the area. However, in my view the monopole and cabinets would be sufficiently far from the entrance to the masjid, and in an area where intermittent crowding could relatively easily be absorbed by the triangular paved area behind the appeal site and the large expanse of pavement at the entrance to Pilgrims Way, that the proposal would make very little difference to the existing situation.
8. In its consultation response to the Council, Transport for London (TfL) expressed concern about the lack of information about the proposed construction methodology and the potential impact on bus operations, cycle and vehicle flow, and pedestrian movements during construction and maintenance. However, these are all matters which it would be necessary to resolve for any development on or close to the highway, and do not justify withholding permission for the scheme. The developer would be responsible for resolving any such conflicts, liaising with TfL as highway authority and the Council as landowner, and securing such other approvals and permits as may be required outside of the planning regime to ensure the safe construction and operation of the installation. While cabinet doors would need to be opened for maintenance once the installation was operating, this would be likely to be a relatively infrequent and short-term occurrence, and would not significantly impede use of the pavement.
9. I therefore conclude that the proposal would not be harmful to highway and pedestrian safety. Insofar as the development plan policies relate to the siting of infrastructure, and the creation of a safe public realm, I find no conflict with Policies D1, D3, D4, D8 and SI6 of the London Plan 2021, nor with Policies S1, S6, SP1, SP3, SP7, SP9 and INF9 of the 2018 Newham Local Plan 2018 ("the NLP"). The Council also indicated conflict with the Framework, although it did not identify specific paragraphs; I find no conflict with the requirements of the Framework, including Chapter 8 which seeks to promote healthy and safe

communities, Chapter 10 which seeks to support high quality communications, and Chapter 12 which seeks to achieve well-designed places.

Character and appearance

10. At 15m high, the proposed monopole would be taller than the adjoining trees and the nearest buildings on either side of Ron Leighton Way. It would inevitably be a visible and prominent feature of the surrounding environment. However, it would be alongside a busy road, in an area where there is already an array of highways infrastructure and street furniture including street lighting and security camera columns, a telegraph pole, bus shelters, advertisement display units and railings. The nearby street trees would, when in leaf, provide at least some degree of softening of the visual impact of the monopole when seen from the nearby residential properties on Holme Road across Ron Leighton Way. Seen from the north, the installation would be set against the backdrop of the tall buildings currently under construction between Pilgrims Way and St. John's Road.
11. Taking all of this together, rather than being an incongruous feature as suggested by the Council I consider that the proposed installation would sit reasonably comfortably within its urban streetscape, where it would be seen in the context of a busy road, existing structures (including some tall buildings) and a variety of street furniture.
12. I conclude therefore that the proposed development would not cause unacceptable harm to the character and appearance of the area. Insofar as the development plan policies seek to protect or enhance character and appearance, I find no conflict with Policies D1, D3, D4 and SI6 of the London Plan 2021 or Policies S1, S6, SP1, SP3, SP7 and SP9 of the NLP. As with the previous main issue, I also find no conflict with the requirements of the Framework, including Chapter 10 which seeks to support high quality communications, and Chapter 12 which seeks to achieve well-designed places.

Conditions

13. Planning permission granted under Article 3(1) and Schedule 2, Part 16, Class A of the GPDO is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), 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, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and 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.

Conclusion

14. For the reasons set out above, I conclude that the appeal should be allowed, and prior approval should be granted.

M Cryan

Inspector