



Appeal Decision

Site visit made on 7 March 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2022

Appeal Ref: APP/Z5060/W/21/3277601

Rainham Road North, Becontree Heath, London RM10 7EJ

- 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 & 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 Barking and Dagenham.
 - The application Ref 21/00530/PRICOM, dated 17 March 2021, was refused by notice dated 21 April 2021.
 - The development proposed is described as 'proposed 15m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, the Government published a revised version of the National Planning Policy Framework (the Framework). However, the revised Framework does not materially alter the national policy approach in respect of the issues raised in this appeal.
3. 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.
4. The Council has referred to a number of development plan policies in its decision notice. However, the principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have nonetheless had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.
5. The reason for refusal also contains reference to policies within the Draft Local Plan Second Revised Regulation 19 consultation version (the DLP). However, as the DLP has not been formally adopted and may be subject to further change I only attach limited weight to these policies.

Main Issue

6. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area and, if harm would occur, whether that is outweighed by the need to site the installation in the proposed location.

Reasons

7. The appeal site is a wide section of the footway on the eastern side of Rainham Road North, adjacent to a small area of green open space and close to a footpath leading to Woodshire Road. The surrounding area is residential in character and features mainly two storey terraced and semi-detached properties. There are a number of items of street furniture nearby including street lighting columns, telegraph poles, road signs, a bus shelter and a telephone box. Trees within the area of open space and in the gardens of neighbouring dwellings provide some greenery.
8. The proposal would comprise a 15m high monopole, to which antennas would be attached, together with a wraparound cabinet and a further three equipment cabinets at ground level. The proposal is intended to provide new 5G network coverage to the north Dagenham area. The proposed pole and cabinets would be positioned towards the back of the footway adjacent to the green open space and within close proximity of 7 Woodshire Road. The proposal follows on from a previously refused application for an 18m high monopole and associated works in the same location¹.
9. While I accept that there are other vertical features within the surrounding area, given the scale and height of the monopole, it would be much taller than the street lighting columns, telegraph poles and semi-mature trees situated on the adjacent green open space. Viewed against the backdrop of the gable end of 7 Woodshire Road, the monopole would appear disproportionately high. The width of the monopole, and the antennas in particular, would also be noticeably wider than the nearby street lights. The semi-mature trees and nearby dwellings would have little effect in screening the proposal given that it would be significantly higher.
10. Therefore, notwithstanding the reduced height of the monopole since the previous application, I find that the proposal would be harmful to the street scene due to its prominent siting on a well-used footway and high visibility in the skyline. I am mindful that the height of the proposed development must be sufficient to enable local provision. However, the size and utilitarian appearance of the monopole would appear as a dominant and incongruous feature in this low rise residential area and overly prominent within its setting, particularly when viewed from Rainham Road North and Woodshire Road.
11. Furthermore, the monopole and associated cabinets would result in an increase in street clutter, which would exacerbate the harm to the street scene, and detract from the open character and appearance of the adjacent green space. In my view the effect of the proposal in this respect would be significantly greater and more concentrated than existing street furniture referred to above. The appellant indicates that the colour of the installation, specified as grey, can be altered to minimise its impact, but this would not sufficiently mitigate the harm which would arise principally as a result of the scale of the proposal.

¹ Council Ref. 20/01586/PRICOM

12. For the above reasons, I conclude that the proposal would cause significant harm to the character and appearance of the area. It would therefore conflict with Policy CP3 of the Core Strategy², Policies BP8, BP11 and BC12 of the Local Plan³, and Policies D4, D8 and SI6 of the London Plan (2021). Amongst other things, these policies require new development to achieve a high standard of design which would not adversely affect the character and appearance of the area, while Policy SI6 addresses telecommunications proposals and digital connectivity. These principles are also reflected in emerging Policies SP2, SP4, DMD1 and DMSI9 (previously DMSI10) of the DLP. The proposal would also conflict with guidance within the Framework, including in requiring equipment on new sites to be sympathetically designed.
13. Policy D1 of the London Plan was referred to in the Council's reason for refusal, but as it relates to area assessments and preparation of development plans to meet growth requirements, it is of limited relevance to the main issue.

Other Matters

14. Paragraph 117 of the Framework states that applications should be 'supported by the necessary evidence to justify the proposed development', including as regards potential alternatives. The appellant has followed a sequential approach to site selection within this highly constrained cell search area. A number of alternative sites have been considered but have subsequently been discounted. The information before me is limited to a map of the cell search area and a very brief commentary on why each of the alternative sites is unsuitable. The main reasons given being insufficient pavement width, obstruction of overhead cables and the possible presence of underground services, while other alternatives have been discounted because of close proximity to residential properties. However, the proposal would also be close to and highly visible from a number of residential properties and their gardens on Rainham Road North and Woodshire Road. I therefore have insufficient evidence before me to be satisfied that the appeal site represents the least harmful option available in the area to meet the additional coverage and capacity requirements.
15. Concerns have been raised by interested parties about the potential effects on health. However, the appellant has provided a certificate which confirms that the proposal has been designed to conform with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards different from the International Commission guidelines for public exposure should not be set.

Planning Balance and Conclusion

16. Paragraph 114 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. The proposal would provide significant benefits through the upgrade to digital telecommunications in this part of Dagenham allowing for additional

² London Borough of Barking and Dagenham Core Strategy 2010

³ London Borough of Barking and Dagenham's Local Development Framework Borough Wide Development Policies Development Plan Document 2011

coverage and capacity, including 5G technology in the locality. These factors weigh in favour of the proposal.

17. However, based on the evidence before me, it has not been demonstrated that the appeal site is the best available option for minimising the effect of the development. Therefore, notwithstanding the need for the proposed installation, and the benefits which would arise from it, I conclude that the benefits would not outweigh the significant harm that I have identified to the character and appearance of the area. The appeal is therefore dismissed.

M Ollerenshaw

INSPECTOR