



Appeal Decision

Site visit made on 9 March 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 MARCH 2022

Appeal Ref: APP/C5690/W/21/3280450

Area of Footpath, Lewisham High Street, Ladywell, Lewisham, London SE13 6NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and 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 London Borough of Lewisham.
 - The application Ref DC/21/120037, dated 19 January 2021, was refused by notice dated 11 March 2021.
 - The development proposed is the erection of an 18 metre high Phase 8 telecommunications pole with built-in cabinet, 3no. separate cabinets and ancillary works.
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Decision

1. This appeal is dismissed.

Preliminary Matters

2. This is an application for Prior Approval. Therefore, the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO) 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. This appeal will be determined on this basis.

Planning Policy

3. 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.
4. Nevertheless, Policy T2 of the London Plan (March 2021), Policies 14 and 15 of the Core Strategy (June 2011), and Policies 30 and 39 of the Development Management Local Plan (November 2014) are material considerations as they relate to issues of siting and appearance. Together these policies seek the least detrimental visual impact and best possible environmental and operational solution for telecommunications equipment. They also set details as to how high quality design can be achieved, encourage the use of sustainable modes of transport, seek to improve the environment for public transport users and require design to consider access to the public transport network with a

particular reference to people who are less mobile and those with children, amongst other things.

5. Similarly, the National Planning Policy Framework July 2021 (the Framework) is also a material consideration, and this includes a section on supporting high quality communications as well as promoting sustainable transport modes and preventing an unacceptable impact on highway safety or severe residual impacts on the road network.

Main Issues

6. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area and access to sustainable transport modes. Also, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Sustainable Transport

7. The area marked on the street as a bus stop is much longer than the bus shelter and extends to a point more or less level with the southern end of the traffic island closest to the appeal site. Given the number and frequency of buses in this location it is likely that bus users would need to get on and off for the full length of the marked bus stop. This includes disabled passengers who may need additional space on the pavement to board and alight.
8. The monopole would be sited towards the rear of the marked bus stop with cabinets adjacent to the area where buses stop, close to the pavement edge. This would limit the space available for those using this bus stop and is likely to preclude accessible alighting and boarding in this location. This would therefore be likely to prevent people, particularly those who have accessibility requirements, from using the bus in this location.
9. Taking into account the busy urban setting, functional equipment such as this even at the height proposed is unlikely to be a distraction to drivers.
10. Nevertheless, the proposed development would have an unacceptable effect on the access to sustainable transport modes.

Character and Appearance

11. Lewisham High Street is a busy commercial area. In the vicinity of the appeal site buildings are generally 3 and 4 storeys and the pavement is wide. There is some existing low level street furniture nearby including a bus shelter and bike racks, there are also a few tall, slender streetlights. Overall, there is an urban character to this area although the wide pavement and limited scale of the existing street furniture prevents it from appearing cluttered. These elements make a positive contribution to the uncluttered, mid-height character of this part of Lewisham High Street.
12. Although the detailed design would be appropriately functional, the monopole would be much higher than any of the existing development. Whilst slender at its base, its height, and the bulk of ariels at the top would be greater than any of the existing equipment in this area and taller than the built form. The

proposed mast is discordant in these regards and highly conspicuous. Consequently, it is harmful to the character of the area in these respects.

Alternatives

13. The proposed development is needed to provide new 5G coverage for this operator in order to improve service around the junction of Mount Pleasant Road and Lewisham High Street. A 5G cell has a typical radius of 50m.
14. A search area within 100m radius has been explored. The surrounding low level residential streets would not provide a better alternative, and sites including the residential flats by Lewisham Park are discounted due to their distance and ability to achieve operational requirements.
15. However, alternative locations or arrangements along Lewisham High Street, away from the bus stop have not been considered. As such it is likely that more suitable sites may reasonably be available to provide the service required.
16. As such, the harm identified above is not outweighed by the need for the installation to be sited as proposed.

Other Matters

17. Reference has been made to various social and economic benefits, but these have not been taken into account in considering the matters of siting and appearance.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

H Miles

INSPECTOR