



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: 30 March 2022

Appeal Ref: APP/Z5060/W/21/3279350

Parsloes Park SW, Highways land off Parsloes Avenue, Adjacent Parsloes Park, Dagenham, London RM9 5QB

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Vodafone Limited (on behalf of Cornerstone) against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 20/02342/PRICOM, dated 24 November 2020, was refused by notice dated 21 January 2021.
 - The development proposed is the installation of a 20 metre monopole, accommodating 6no. antennas, the installation of 2no. equipment cabinets, along with 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 the installation of a 20 metre monopole, accommodating 6no. antennas, the installation of 2no. equipment cabinets, along with ancillary works at Parsloes Park SW, Highways land off Parsloes Avenue, Adjacent Parsloes Park, Dagenham, London RM9 5QB, in accordance with the application Ref 20/02342/PRICOM, dated 24 November 2020, and drawings nos 100 Rev B, 200 Rev A, 201 Rev B, 300 Rev A and 301 Rev B submitted with it.

Preliminary Matters

2. The appellant submitted photomontages with the appeal. These were not seen by the Council or the Highway Authority at the time the application was in. However, the Council and other interested parties have since had the opportunity to comment on the photomontages and the appellant's supporting documents at appeal. As the photomontages do not change the substance of the proposed development that was considered by the Council, having regard to the "Wheatcroft" principles¹, the Council and interested parties would not be prejudiced by my consideration of them.
3. There is no dispute between the parties that the proposal satisfies the limits to permitted development set at Paragraph A.1 to Class A of Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO). Paragraph A.3 requires that before development can commence a determination be made as to whether prior approval will be required as to the siting and appearance of the development.

¹ Wheatcroft (Bernard) Ltd v Secretary of State for the Environment (1982) JLP 37

4. The Council have referred to a number of development plan policies in its decision notice. Although 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 nevertheless 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 London Plan March 2021 was published subsequent to the submission of the appeal and supersedes the 2016 iteration. Insofar as relevant to this appeal, the adopted policies are the same as the versions listed in the Council's decision notice. The main parties had the opportunity to comment on those as part of their statement. I have had regard to any comments received and the new London Plan in my decision.
6. The reasons for refusal also contain reference to policies within the Draft Local Plan 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.
7. 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.

Main Issues

8. The main issues are the effects of the siting and appearance of the proposal on the character and appearance of the area and, if any harm would occur, whether this would be outweighed by the need to site the installation in the proposed location, having regard to the potential availability of alternative sites; and the effects of the siting of the proposal on highway and pedestrian safety.

Reasons

Character and appearance

9. The appeal site is a section of the pavement on the south western side of Parsloes Avenue within the Becontree Estate, and is adjacent to Parsloes Park, a large area of public open space. The pavement is wide on both sides of the road but is partly taken up by marked parking bays.
10. Aside from Parsloes Park and nearby schools, the surrounding area is predominantly residential in nature and is characterised principally by two storey terraced and semi-detached properties, such as those located on the opposite side of Parsloes Avenue from the appeal site. The Becontree Estate was built as Homes for Heroes between 1921 and 1934 and, at the time, was the largest municipal estate in the world. Whilst this is important as a part of local history the site is not within a conservation area.
11. There is an existing base station comprising a 12.5m high monopole and associated cabinets on the same side of the pavement a short distance to the north west of the appeal site. There are also numerous items of street furniture nearby, including streetlighting columns, telegraph poles, road signs and bus shelters. Trees within the footways and the grounds of the park contribute positively to a verdant character.

12. The appellant proposes to remove and relocate their apparatus from the existing shared base station to a new single operator base station which would comprise a 20m high monopole with various antennas, together with associated equipment cabinets at ground level. The proposed pole and cabinets would be positioned towards the back of the footway adjacent to the park. The proposal is intended to retain the appellant's customer 3G and 4G coverage and provide new 5G network coverage to the residential area in and around this part of Dagenham.
13. The proposed development would be of functional appearance, typical of telecommunications equipment seen in urban areas generally. It would be seen in the context of other vertical structures and street furniture, including the existing monopole and streetlighting columns. However, as indicated by the photomontages the proposed pole would be noticeably taller and wider than the streetlighting columns and it would also be higher than neighbouring two storey dwellings. Therefore, due to its height and prominent siting within the footway, the proposal would be readily visible from various points along Parsloes Avenue and from the adjacent park.
14. The mature trees that line the pavement and those located in the park grounds would provide partial screening of the lower part of the development when viewed from Parsloes Avenue, particularly when they are in leaf. Views of the proposal from within Parsloes Park would also be filtered to some extent by the trees within the park. This would mitigate the visual effects of the proposal. Nevertheless, given its height, width, utilitarian appearance and relatively prominent siting, the proposed monopole would be somewhat at odds with the prevailing low rise residential character of the area.
15. It is proposed that the monopole would be coloured grey, which would reflect the existing monopole and streetlighting columns, whilst the cabinets would be green, enabling them to blend in against the backdrop of the park. The proposed equipment cabinets would be limited in number and of modest size. Given the distance between the proposed installation and the existing base station, the proposal would not, in my view, result in a visually cluttered streetscape.
16. Notwithstanding the above mitigating factors, by reason of the siting and substantial height of the monopole, the development proposed would be a prominent and discordant feature which would be moderately harmful to the character and appearance of the surrounding area. It would therefore conflict with Policy CP3 of the Core Strategy², Policies BP8, BP11 and BC12 of the Local Plan³, and Policies D4 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, 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.

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

17. Policy D1 of the London Plan was referred to in the Council's reasons for refusal, but as it relates to area assessments and preparation of development plans to meet growth requirements, it is of limited relevance to this appeal.

Highway and pedestrian safety

18. As set out above, the proposed installation would be situated towards the rear of the pavement. During my site visit the pavement appeared to be well used and the appeal proposal would be close to bus stops. Street furniture, including the existing monopole and associated equipment, streetlighting columns and street trees, already impact pedestrian movement, as do vehicles parked in the marked bays.
19. The Council's concern relates to the location of the proposed installation adjacent to the parking bays, which the Council considers would unacceptably reduce the width of the footway, such that the proposal would interfere with highway and pedestrian safety. According to the Council the remaining footway, with vehicles parked in the bays, would be around 1.7m in width for the length of the proposal, whilst the appellant states that it would be 1.9m wide. Either way the proposal would result in a narrower gap between the installation and any parked vehicles and so have an impact on pedestrian movements in particular. Moreover, the width of the remaining pavement would likely be further reduced when the cabinet doors are open. However, that would be the case only in exceptional circumstances during periods when the equipment is being serviced.
20. In my view, for most of the time there would still be sufficient space between the proposed installation and any parked vehicles to allow for unimpeded pedestrian access along the footway without requiring pedestrians to leave the footpath and enter the carriageway. A pavement width of around 1.7m would not, in my view, unduly constrain pedestrian movements, and is not atypical of the width of pavement found on occasion in the surrounding area. Therefore, the installation would not significantly compromise the ease or safety of use of the pavement for pedestrians or other users of the footway. For the same reason, it would also not have any adverse impact on highway safety.
21. Accordingly, the siting of the proposal would not have an unacceptable effect on highway and pedestrian safety. It would not therefore conflict with Policy CP3 of the Core Strategy or Policy BP11 of the Local Plan, where these seek to promote accessibility and permeability, or with the Framework, which seeks to resist development that would result in unacceptable safety risks.

Alternative sites

22. Applications for telecommunications development should be supported with the necessary evidence to justify the proposal in accordance with paragraph 117 of the Framework. 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 subsequently discounted for various reasons as being unviable or offering no greater planning merit than the appeal proposal. In particular, the evidence indicates that the existing nearby base station cannot be upgraded for technical reasons, and there are no mast/site sharing opportunities or suitable buildings or other structures within the intended cell area that would be capable of accommodating the proposed installation.

23. The Council have not suggested any alternative sites and there is no substantive evidence that challenges the rationale for discounting the alternatives that have been considered and I have no robust evidence before me to suggest that there would be other more suitable sites. An appeal for a 15m high phase 8 monopole and associated works has recently been allowed close to the junction of Parsloes Avenue and Maxey Road⁴. However, there is no indication that the installation there would be capable of hosting the different antennas and equipment for which the current appeal seeks consent. Given its distance away from the appeal site, it is unlikely in my view that it would be able to fully address the appellant's required network coverage.
24. The lack of realistic alternative options to deliver improved coverage and capacity is a consideration which weighs strongly in favour of the development. Thus, in this instance, I am satisfied that undertaking the proposed development is justified in order to achieve the economic and social benefits arising from the proposal.

Conditions

25. Development permitted under Class A Part 16 is subject to standard conditions, including a time limit for implementation, a requirement that development is carried out in accordance with the submitted details, and that it is removed when it is no longer required for electronic communications purposes. It is unnecessary to impose any additional conditions beyond these.

Conclusion

26. 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 coverage and capacity.
27. I have found that the siting and appearance of the proposal would result in moderate harm to the character or appearance of the surrounding area. On the other hand, I consider that it would not prejudice the safety of users of the pavement or highway network. In this instance, having regard to the absence of more suitable alternative sites, the harm resulting from the siting and appearance of the proposal would be outweighed by the social and economic benefits provided by the improved coverage and capacity for the local community. For these reasons, I conclude that the appeal should be allowed and prior approval be granted.

M Ollerenshaw

INSPECTOR

⁴ Appeal ref APP/Z5060/W/21/3278046