
Appeal Decision

Site visit made on 1 March 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2022

Appeal Ref: APP/B5480/W/21/3278957

Gooshays Drive, Harold Hill, Romford, RM3 8YJ

- 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 Hutchison UK Ltd against the decision of the Council of the London Borough of Havering.
 - The application Ref M0005.21, dated 27 March 2021, was refused by notice dated 18 June 2021.
 - The development proposed is described on the application form as: 'Proposed 15m Phase 8 Monopole C/W wraparound cabinet at base and associated ancillary works'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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. Whilst the application was submitted on 27 March 2021, the application did not become valid until the fee was received by the Council on 26 April 2021.
4. Part 16 was amended on 04 April 2022. Both main parties have been consulted on these amendments but neither has provided any further representations. The amendments do not have a direct bearing upon the proposed development.

Planning Policy

5. In November 2021, after prior approval was refused, the 'Havering Local Plan 2016-2031' was adopted and the previous Core Strategy and Development Control Policies DPD (2008) policies referred to in the decision notice have been replaced. The Council has highlighted that the following Local Plan Policies are relevant to this appeal: Policy 7, Policy 25 and Policy 26. The appellant has been provided with the opportunity to comment on these policies.
6. Nonetheless, the principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require

regard to be given to the development plan. I have therefore only had regard to the policies of the development plan and the revised National Planning Policy Framework (2021) insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issue

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

8. The appeal site comprises part of an existing footway adjacent to Gooshays Drive. The site is directly adjacent to a relatively large area of open space which is predominantly surrounded by residential development, much of which faces towards the open space. Existing Residential properties are typically between 2 and 3 storeys but there are some taller buildings surrounding the open space, including a nearby supermarket. Most of the street lights are located on the opposite side of the road to the appeal site and whilst there are various trees within the area of open space and along the footway, these are sporadically located. As a result, despite the built-up urban surroundings, the area of open space and the wide footways which surround it (including the appeal site) have a predominantly open character, which makes a positive contribution to the character and appearance of the area.
9. The proposed development includes a 15 metre high monopole with a wraparound cabinet at the base. The monopole would be particularly prominent in the location proposed and would be noticeably taller than the surrounding trees and buildings. There are no streetlights on this part of the footway and the immediately surrounding buildings are typically 2 storey and set back from the highway. As a result, the monopole would not assimilate well with the existing development in the area and would completely dominate the street scene. This harmful visual impact would be very pronounced given that the site is adjacent to a relatively large area of open space. This open character would be harmfully eroded and this would be particularly apparent when approaching along Gooshays Drive in either direction.
10. The trees within the surrounding area would do little to effectively screen the proposed monopole (particularly in the winter months), given that they are sporadically located and are not in particularly close proximity to the appeal site. Furthermore, any changes to the colour of the monopole would not sufficiently mitigate the harmful and dominant appearance of the development.
11. The appellant has indicated that the wraparound cabinet is permitted development without the need for prior approval. However, it has not been demonstrated that there is a realistic prospect of the cabinet being implemented in isolation from the monopole and as such it should be considered as part of the development for the purposes of this appeal. Indeed, the cabinet would exacerbate the visual impact of the development. Notwithstanding this, even if I were to take the appellant's approach and consider the monopole in isolation, it is this aspect of the development which has the most pronounced and damaging visual impact upon the character and appearance of the area.

12. The siting and appearance of the proposed development would result in unacceptable harm to the character and appearance of the area. Insofar as they are a material consideration, the proposal would therefore be contrary to London Plan (2021) Policy SI6 and Local Plan (2021) Policies 25 and 26, which require in part that mobile infrastructure is well-designed, suitably located and that development is in keeping with local character.
13. Framework Paragraph 114 recognises that high quality and reliable communications infrastructure is essential for economic growth and social well-being. It therefore supports the expansion of electronic communications networks, including 5G. As such, the overall need for such development is established and this is recognised through the grant of permission for this type of development under the GPDO.
14. Nonetheless, Framework Paragraph 115 requires that the number of masts and the sites for such are kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. It states that the use of existing masts, buildings and other structures is encouraged. Additionally, Framework Paragraph 117 advises that applications for electronic communications development (including applications for prior approval under the GPDO) should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this should include evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts, or other structures.
15. The evidence before me indicates that the appellant has taken a sequential approach to site selection. The appellant suggests that the only viable option is to erect a new ground-based mast. However, very little rationale has been provided for discounting the use of existing buildings, with the supporting statement outlining only that 'some' existing structures cannot be utilised due to the operational requirements of 5G masts. There is no substantive assessment of potentially suitable buildings or structures before me, nor is there a detailed explanation of why all buildings in the search area have been ruled out.
16. The appellant has provided details of other alternative locations for a ground-based mast. This includes a handful of sites within the 'cell search area'. However, the reasons provided for discounting these alternative sites are also very brief and do not provide an adequate basis for discounting the alternatives in favour of the appeal site. For example, Site D1 was discounted 'due to an obstructing tree canopy'. However, it is not clear how close the site is to the tree canopy and why this means that the site is unsuitable. Sites D2 and D4 were discounted due to insufficient pavement width, but no details of the width of the pavement have been provided nor the implications of this in terms of ease of pedestrian movement. Sites D3, D6 and D7 were all discounted due to 'proximity to residential properties'. However, no details have been provided to ascertain how close these sites are to residential properties and what the implications of such proximity would be. Finally, Site D5 was discounted given the 'proximity to bus stop', however, the appeal site is also located in relatively close proximity to a bus stop. It is not clear why the presence of a bus stop led to site D5 being discounted in favour of the appeal site.

17. In summary, whilst the appellant has provided some details of alternative sites, the analysis is insufficient to properly discount these sites as more suitable locations, particularly when taking into account the significant harm that the proposed development would cause to the character and appearance of the surrounding area. Furthermore, insufficient evidence has been provided to demonstrate that the use of existing buildings and structures has been sufficiently explored.
18. For these reasons, whilst the overall need for the development is established, it has not been adequately demonstrated that there is a need for the proposed development to be sited in this particular location, taking into account other potentially suitable alternative sites. As such, the significant harm which the proposed development would cause to the character and appearance of the surrounding area is not outweighed.

Other Matters

19. I note that the appellant entered into pre-application discussions with the Council. However, the outcome of that process has no substantive bearing on my conclusions in relation to this appeal. I also acknowledge that the site is not located in close proximity to any listed buildings or within a conservation area but any absence of harm in this regard does not reduce the harm caused to the character and appearance of the surrounding area.

Conclusion

20. For the reasons given above, the appeal is dismissed.

Luke Simpson

INSPECTOR