



Appeal Decision

Site visit made on 12 April 2022

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2022

Appeal Ref: APP/Z5060/W/21/3282590

Goresbrook Road, Dagenham RM9 6RT

Grid Ref Easting: 549057, Grid Ref Northing: 183626

- 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 CK Hutchison Networks (UK) Ltd against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 21/01125/PRICOM, dated 13 June 2021, was refused by notice dated 4 August 2021.
 - The development proposed is a 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
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Decision

1. The appeal is allowed and 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) (GPDO) for the siting and appearance of a 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works at land at Goresbrook Road, Dagenham RM9 6RT, Grid Ref Easting: 549057, Grid Ref Northing: 183626 in accordance with the terms of the application Ref 21/01125/PRICOM, dated 13 June 2021, and the plans submitted with it including BAD12523_M005 - 002 Site Location Plan N [Issue E], BAD12523_M005 - 210 Proposed H3G Site Plan N [Issue E], BAD12523_M005 - 260 Proposed H3G Elevation N [Issue E], and BAD12523_M005 - H3G 5G Unilateral N [Issue E].

Preliminary Matters

2. The provisions of the GPDO, 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. My determination of this appeal has been made on this basis.
3. 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 to be had to the development plan. I have had regard to the policies of the Council's Local Development Framework Borough Wide Development Plan Document (2011), Draft Local Plan (Regulation 19 Consultation Version, October 2020) and the National Planning Policy Framework (the Framework), as referred to in the Council's decision notice and officer report, only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed installation 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

5. The appeal site is part of a pedestrianised area with a raised planter, trees, advertisement displays and streetlights, located adjacent to the large junction of the A1306 dual carriageway and the A1240. The pedestrianised area forms part of the frontage of terraces of 2 – 3 storey buildings which appear to have commercial units at ground floor levels, with residential flats above.
6. The A1306 marks a southern boundary of historic low-level residential development and a northern boundary of more recent commercial development and tall blocks of flats. A telecommunications mast is present on the southern side of the road junction, and in longer views to the south, beyond the blocks of flats, an elevated section of the A13, pylons and a wind turbine can be seen. The character of the area is therefore defined by its dense urban setting and mix of commercial and residential uses, wide roads and associated infrastructure.
7. The proposed Phase 8 monopole and associated cabinets would form part of the UK's 5G mobile telecommunication network. A wraparound cabinet would form part of the monopole at its base, alongside 3 separate cabinets which the appellant has referred to as not requiring prior approval. I note the Council's comments in respect of the size of the pedestrianised area which would ensure the siting of the proposal would not be experienced as additional street clutter.
8. The proposal would be positioned against a raised planter, close to 2 and 3 storey buildings. At 15 metres in height, the proposed monopole would be a significant addition to the pedestrianised area, but its appearance would be typical of the infrastructure often experienced in dense urban areas and would also be seen alongside the A1306, in the context of nearby substantial buildings and various highway infrastructure.
9. Its height would be over double that of the nearest 2 storey building and streetlights, and despite being sited amongst trees and a raised planter, it would appear as a prominent feature in the street scene. However, its slender width and its siting on a large dual carriageway junction alongside other highway infrastructure would limit its impact on the mixed urban character and appearance of the area. It would not therefore be a visually discordant feature in this location and the level of harm its siting and appearance would have on the character and appearance of the area would be low.
10. Paragraph 114 of the Framework advises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that planning decisions should support the expansion of electronic communication networks. The appellant has submitted evidence demonstrating the area surrounding the appeal site does not have the required 5G capacity to meet demand, which would be addressed by the proposal.
11. The appellant has also submitted details setting out the sequential approach they have followed before seeking prior approval for the erection of a new

ground-based mast in a street environment, alongside evidence of the consideration of alternative sites. The evidence suggests there are no suitable alternative sites for the proposal. I also note that the appeal scheme for a 15 metre monopole follows a previous refusal of prior approval by the Council for an 18 metre monopole in a similar location. It therefore appears that the appellant has exhausted all other reasonable options to solve the identified 5G capacity issues in this particular location.

12. Taking the above into account, I am satisfied that the low level of harm the siting and appearance of the proposal would have on the character and appearance of the area would be outweighed by the need for the installation to be sited as proposed.

Conditions

13. Any 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 given above, I conclude that the appeal should be allowed, and prior approval should be granted.

L Douglas

INSPECTOR