



Appeal Decision

Site visit made on 22 March 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 MAY 2022

Appeal Ref: APP/B5480/W/21/3281423

**Southend Arterial Road, Adleigh Green, Romford, Greater London
RM11 2SE**

- 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 CK Hutchison Networks (UK) Ltd against the decision of the Council of the London Borough of Havering.
 - The application Ref M0007.21, dated 24 May 2021, was refused by notice dated 16 July 2021. The development proposed is a 5G telecoms installation: 15 metre high 'slim line' Phase 8 H3G street pole complete with wrap around cabinet and 3no. cabinets with ancillary works - to be coloured grey.
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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) for the siting and appearance of a 15 metre high 'slim line' Phase 8 H3G street pole complete with wrap around cabinet and 3no. cabinets with ancillary works - to be coloured grey at land at Southend Arterial Road, Adleigh Green, Romford, Greater London RM11 2SE in accordance with the terms of the application Ref: M0007.21, dated 24 May 2021, and the plans submitted with it including: 002 Rev B (site location plan), 100 Rev B (existing site plan), 150 Rev B (existing site elevation), 215 Rev B (proposed site plan), 265 Rev B (proposed site elevation), 304 Rev B (proposed configuration antenna schedule), and 307 Rev B (equipment schedules and dependencies).

Preliminary Matters

2. I have taken the description of development from that used in the Planning Statement which accompanied the planning application, and which was also used on the appeal form, as it describes the full extent of the proposal.
3. 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.
4. 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 be had to the development plan. I have had regard to the policies of the

Havering Local Plan (Local Plan) and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed development upon the character and appearance of the area.

Reasons

6. The proposal would result in a 15m high street pole and associated equipment cabinets being located on a landscaped verge, immediately adjacent to the existing footpath on the Southend Arterial Road (SAR). The road is a busy dual carriageway with central reservation. Immediately to the north-east of the site is a short row of houses which are served, and separated from the site, by a private road. Immediately to the south of these houses is a three-storey block of flats and a footbridge over the SAR. On the opposite side of the dual carriageway to the site is another three-storey block of flats. Beyond the railway line to the north is further residential development and a retail park. There are some trees and planting in and around the site which help to soften the context but nonetheless the area has a distinctly urban character.
7. I observed that there are many existing streetlights in close proximity to the appeal site. In addition, there are telegraph poles, and the footbridge over the SAR, at its junction with Ardleigh Green Road and Squirrels Heath Road. Beyond the railway line to the north of the site are further telecommunications poles and a totem sign for McDonalds. Therefore, vertical and tall structures are common in the street scene.
8. The colourings of the street pole would not be out of keeping with that of the streetlights, footbridge, and other telecommunications poles in the vicinity. The proposed street pole would be greater in height than the existing telegraph poles and streetlights already present and would be greater in thickness. However, it would not be overly prominent when viewed in association with the existing street furniture and nearby built form.
9. Within the verge, to the north of the appeal site, there are existing cabinets which are partially screened by the existing landscaping. This helps to soften their visual impact. I have no reason to think that the planting would not have a similar effect on the proposed telecommunications cabinets.
10. Given its height and position, the street pole would be visible from the houses on the private road next to the site. However, given the separation distance to such properties, the relatively slim nature of the pole and the existing vegetation which would help to screen the cabinets, the proposal would not harm the outlook from these dwellings or cause overshadowing. The pole and cabinets would also be visible from the flats opposite, but the visual impact would be lessened by the distance and dual carriageway between them.
11. Overall, I find that the proposed street pole and cabinets would not appear alien or unexpected in such a context. The proposal would not appear overly prominent or visually intrusive and therefore would not cause harm to the character and appearance of the area. As such it would comply with Policies 7, 25 and 26 of the Local Plan, as well as the Framework's policies for supporting high quality communications and achieving well-designed places.

Other Matters

12. The Council has pointed to other telecommunications poles in the vicinity and raised the issue of mast sharing. The appellant has indicated that the existing poles are not designed to share with the type of equipment proposed in this appeal. I observed that the existing poles are different in their style to the appeal proposal. The antennas which form part of the street pole would not appear to be something which could easily be attached to those existing poles. Given my observations and the evidence before me, I accept that it would not be possible to share with the existing telecommunications poles in the vicinity of the site.
13. I am aware that concerns were raised during the consideration of the application regarding the safety of the equipment. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified. For those reasons, I consider that potential effect on health, or fears about health, are not a determining issue in this case.
14. Concerns have also been raised by interested parties regarding the impact of the proposal on property values and issues of maintenance. Such concerns are however outside the scope of this appeal.

Conditions

15. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A 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.
16. The Council has suggested that two planning conditions be imposed should approval be granted. However, the GPDO 2015 does not provide any specific authority for imposing additional conditions beyond the deemed conditions mentioned above. In any event the conditions suggested merely seek to require the compliance of the scheme with the legislation and the implementation of the scheme as shown on the submitted details. Consequently, I have not imposed those suggested conditions.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

Stewart Glassar
INSPECTOR