



Appeal Decision

Site visit made on 12 March 2022

by Cullum J A Parker BA(Hons) PgCert MA MRTPI MCMI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 May 2022

Appeal Ref: APP/G5180/W/21/3278860

BP Service Station, 291 Croydon Road, Beckenham BR3 3PS

- 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 Cornerstone and Telefonica UK Ltd against the decision of the Council of the London Borough of Bromley.
 - The application DC/21/00877, dated 26 February 2021, was refused by notice dated 19 April 2021.
 - The development proposed is described as '*Installation of 18m high monopole supporting communications apparatus and 4No. equipment housing cabinets at ground-level, ancillary works thereto*'.
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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 Installation of 18m high monopole supporting communications apparatus and 4No. equipment housing cabinets at ground-level, ancillary works thereto at land at BP Service Station, 291 Croydon Road, Beckenham, BR3 3PS in accordance with the terms of the application Ref DC/21/00877 dated 26 February 2021.

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. Part 16 of the Order 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, Policies 37 and 89 of the *Bromley Local Plan 2019* are material considerations as they relate to issues of siting and appearance. Similarly, the National Planning Policy Framework is also a material consideration and this includes section on supporting high quality communications.

Main Issue

5. The main issues are the effect of siting and appearance of the proposed installation on the character and appearance of the surrounding area.

Reasons

6. The area surrounding the appeal site is characterised by mainly two storey properties including both residential and commercial. There is a local park located on one side of the appeal site, with the opposite side of the road and further south characterised by parades of shops with living accommodation above. More generally, the surrounding area is a typical urban area with common street furniture paraphernalia including street lighting and road signs. The appeal site is located adjacent to an existing fuelling station shop – as shown on drawing 201 Rev B titled 'Proposed site plan'.
7. The proposal would be taller than the majority of structures and buildings in the area as shown on drawing 301 Rev 'Proposed site elevation'. However, telecommunication structures are common features in built up areas and the proposal, whilst being visible, would not necessarily be highly noticeable as it would blend in with similar structures such as street lighting and the garage canopy on the adjoining filling station. Moreover, as acknowledged in the Council's appeal statement, *'the actual telecommunications site is located in a sheltered position to the rear/side of the petrol filling station'*.
8. Moreover, the proposal would mainly have a vertical emphasis, which would be in keeping with similar structures in the near locality and also tall trees within the adjacent recreation ground. The proposal would be visible. However, due to its siting, height and bulk, and location next to a highly prominent but functional looking filling station garage within a highly commercial setting it would not appear as an intrusive feature that adversely compromises the street scene and surrounding buildings within this context.
9. The proposal would not have a harmful effect on the character and appearance of the surrounding area. The proposal would be in accordance with Policies 37 and 89 of the *Bromley Local Plan 2019* and the National Planning Policy Framework (the Framework) which seeks proposals for telecommunications to have no significant adverse effect on the external appearance of the space in which they are located.

Other Matters

10. I have had regard to concerns raised from local residents about potential effects on health. 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.
11. My attention has been drawn to a nearby appeal decision ref 3267325; a copy of which is provided in the Council's Statement. I do not have the full details of that scheme which was dismissed, beyond some drawings. However, from the decision and drawings it is clear that the proposal was for a different location

next to the park on the pavement. I do not find that the reasoning and circumstances for the dismissal of that appeal provide justification for the dismissal of the appeal before me, which I have considered and assessed on its own merits and found acceptable.

Conditions

12. The Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and 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. I note the Council's suggested conditions, but do not consider that these are necessary given the above requirements.

Conclusion

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

C Parker

INSPECTOR