



Appeal Decision

Site visit made on 9 May 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 MAY 2022

Appeal Ref: APP/D5120/W/21/3280455

Area of Footpath, West Street, Erith, London DA8 1FA

Easting 551010, Northing 178457

- 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 Hutchison 3G UK Limited, c/o Chris Weir against the decision of the Council of the London Borough of Bexley.
 - The application Ref 21/01135/GPDO8, dated 7 April 2021, was refused by notice dated 3 June 2021.
 - The development proposed is the proposed erection of a 15 metre high Phase 8 telecommunications pole with built-in cabinet, 3no. separate cabinets and 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), under Schedule 2, Part 16, Class A 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 the same basis.
3. The Council has referred to several development plan policies in its decision. However, 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 nonetheless had regard to the development plan policies only in so far as they are a material consideration relevant to matters of siting and appearance.
4. The Government published a revised version of the National Planning Policy Framework (the Framework) on 20 July 2021. However, the revised Framework does not materially alter the national policy approach in respect of the issues raised in this appeal.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area and, if any harm would occur, whether this is outweighed by the need to site the installation in the proposed location taking into account any suitable alternatives.

Reasons

Character and appearance

6. The appeal site is part of a paved area of open space adjacent to the side of 110 West Street, a two storey detached public house. It is close to a small green space off Nordenfeldt Road, which links through to another open space on the opposite side of West Street, known as Ocean Park.
7. The surrounding area is of mixed character with residential properties and a variety of commercial premises. Properties within the surrounding area are generally two storeys in height, though there are also some higher buildings nearby such as the four storey apartments further along West Street to the north-west. A number of items of street furniture are evident within the immediate area, including street lighting columns, road signs, a bus shelter and bollards.
8. There is a visual connection between the green open space adjacent to the site and Ocean Park. These open spaces contain a number of trees which provide some greenery and act as a visual break between the built-up areas. I observed during my site visit that the footpaths through the public open spaces and those on either side of West Street were well used.
9. The proposal is intended to provide new 5G network coverage to the West Street area of Erith. The proposed pole and cabinets would be positioned at the edge of the green open space close to the footway within close proximity of the side of No 110. The proposal follows a previously refused application for a 20m high monopole and associated works on this site¹. I acknowledge the appellant's efforts to find a solution in this case.
10. Whilst there are other vertical features within the surrounding area, given the scale and height of the monopole, it would be much taller than the street lighting columns and trees situated on the adjacent green open space. Although there are three and four storey apartments relatively close by, the proposal would be seen largely within the context of the adjacent two storey buildings, 106 West Street and principally No 110 which is about 9m high. The monopole would appear disproportionately high and dominant when viewed against the backdrop of No 110 and other nearby two storey properties. The width of the monopole, particularly the antennas at the top, would draw the eye, and result in the proposal appearing as a bulky and top heavy structure at odds with the more slimline street lighting columns.
11. I accept that the appeal site is not within a conservation area. I also note the reduced height of the monopole since the previous application. Nevertheless, I find that the proposal would be harmful to the street scene due to its prominent siting adjacent to well-used footways and high visibility in the skyline. I am mindful that the height of the proposed monopole must be sufficient to enable local provision, but its size and utilitarian appearance would appear as an overly prominent, dominant and incongruous feature, particularly when viewed from West Street and Nordenfeldt Road.
12. The proposal would also impinge on the setting of the green open space thereby detracting from its function as a visual break between the buildings on this side of West Street. The trees within the open space would filter views of

¹ Council ref 20/01743/GPDO8

the proposal from the south, but they would have little effect in mitigating its visual impact from West Street. The monopole is specified as being finished in a grey colour which would not assimilate well with either the cream rendered and brickwork of No 110 or the nearby street lighting columns, which are painted green. Whilst the colour of the proposal could be changed this would not sufficiently mitigate the harm which would arise principally as a result of the scale of the proposal.

13. Moreover, the monopole and associated cabinets, including the wraparound cabinet at the base of the pole, would result in an undue proliferation of street furniture immediately next to the green open space, and add to a sense of a visually cluttered street scene.
14. For the above reasons, I conclude that the siting and appearance of the proposal would cause significant harm to the character and appearance of the area. It would therefore conflict with Policies CS01 and CS09 of the Bexley Core Strategy (2012) and Policies ENV39 and ENV45 of the Bexley Council Unitary Development Plan (2004). Amongst other things, these policies seek to ensure that telecommunications apparatus is located in such a way as to minimise any adverse effects on the character or visual amenity of the area, that development maintains and improves the best elements of Bexley's suburban character, and protects, enhances and promotes green infrastructure, including the Borough's parks and open spaces. Hence, they are material in this case. The proposal would also conflict with guidance within Chapter 10 of the Framework, including in requiring equipment on new sites to be sympathetically designed.

Alternative sites

15. Paragraph 117 of the Framework states that proposals should be supported by the necessary evidence to justify them, including as regards potential alternatives, notably the possibility of erecting antennas on an existing building, mast or other structure.
16. The appellant has undertaken a sequential approach to site selection with five other alternative sites having been discounted. The reasons for discounting the alternatives are brief and refer in vague terms to proximity to residential properties and a school, narrow pavements, possible obstruction of visibility sightlines, and insufficient signal reach to provide coverage to the target search area. There is little detail on how the search for alternative sites was carried out or how sites were selected for further consideration. Consequently, the assessment of alternative sites lacks sufficient detail, and the scheme before me is also close to residential properties on West Street. The appellant claims that no mast/site sharing opportunities or existing buildings/structures were identified and that, as a consequence, a new base station has been sought. However, there are several high buildings within relative close proximity of the site and there is no evidence of surveys of any buildings having been undertaken which conclude that they cannot accommodate such equipment.
17. For the above reasons I cannot be satisfied that alternative sites have been comprehensively assessed or that the appeal site represents the least harmful option available in the area to meet the additional coverage and capacity requirements and so secure the same public benefits.

Other Matters

18. In this case, it is clear that there were objections from neighbouring residents. One of the concerns raised by interested parties was about the potential effects on health. However, the appellant has provided a certificate which confirms that the proposal has been designed to conform with the guidelines published by the International Commission on Non-Ionizing Radiation Protection. In these circumstances, the Framework advises that health safeguards different from the International Commission guidelines for public exposure should not be set.

Planning Balance and Conclusion

19. 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 economic and social benefits through the upgrade to digital telecommunications in this part of the Borough allowing for additional coverage and capacity, including the introduction of 5G technology to the locality. This weighs in favour of the proposal.
20. On the basis of the evidence before me, however, it has not been demonstrated that the appeal site is the best available option for minimising the effect of the development. Therefore, the benefits which would arise from the proposal would not outweigh the harm to the character and appearance of the area.
21. For the reasons given above, I conclude that the appeal is dismissed.

M Ollerenshaw

INSPECTOR