
Appeal Decision

Site visit made on 21 April 2022

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2022

Appeal Ref: APP/B5480/W/21/3276690

South End Road, South Hornchurch, Rainham RM13 7BX

- 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 Hutchinson UK Ltd against the decision of the Council of the London Borough of Havering.
 - The application Ref M0004.21, dated 17 March 2021, was refused by notice dated 19 May 2021.
 - The development proposed is a 15m Phase 8 Monopole and wraparound cabinet at base and associated ancillary works.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A, paragraph A.3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 2015 Order) for a 15m Phase 8 Monopole and wraparound cabinet at base and associated ancillary works at South End Road, South Hornchurch, Rainham RM13 7BX in accordance with the application M0004.21, dated 17 March 2021, and the details submitted with it, including drawing nos HVG12882_M002 002 Rev B, 100 Rev B, 150 Rev B, 210 Rev B, 260 Rev B.

Preliminary Matters

2. The 2015 Order grants permitted development to electronic communications operators for the installation of electronic communications apparatus, subject to various limitations set out at Paragraph A.1. The proposal is within these limitations. Paragraph A.3(4) of the 2015 Order confirms that the permitted development is subject to the 'prior approval' of the siting and appearance of the proposed development.

Main Issues

3. The main issues are 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

Character and appearance

4. Policies DC61 and DC64 of the Core Strategy and Development Control Policies DPD, adopted 2008 (the CS), require high quality design including sufficient screening. Policies D4 and SI6 of The London Plan, 2021 (the LP) require well designed telecommunications apparatus. Paragraph 115 of the National Planning Policy Framework (the Framework) states that telecommunications equipment should be sympathetically designed and camouflaged where appropriate.
5. The appeal site is the edge of a footpath along a suburban street adjacent to a small piece of open, green land. There are fairly tall and thick trees adjacent to the appeal site, within the open land, which forms a broadly triangular shape and is bordered by a mixture of local shops and commercial units, some with flats above, and two-storey residential properties. There are fairly prominent street light columns along the road.
6. Although the area is suburban in character and appearance, the appeal site is set away from the nearby residential properties, and there are two rows of commercial units lining the triangular area of open land. There is dispute between the parties as to whether the ground level cabinets form part of the proposal or whether they are permitted development. However, the ground level cabinets would be partially screened to the west by the trees, and being located to the inside of the pavement at the furthest away point from the nearby properties, would in any event be relatively unobtrusive.
7. The monopole would only be partially screened because it would rise above the tree line, and would be visible to pedestrians, residents, and drivers along South End Road and other roads in the vicinity. However, it would be seen in the context of the existing, albeit lower and less bulky, street lights, the surrounding commercial units, and would be set away from the nearby residential properties. The proposal would be situated on the pavement, not on the open space, and the cabinets would only take up a relatively small proportion of the width of the pavement. Furthermore, the tall element of the proposal is the slim-profiled monopole. For these reasons, the proposal would not materially affect the open character of the land.
8. Consequently, whilst there would be harm to the character and appearance of the area, this harm would be limited.

Alternative sites

9. Paragraph 115 of the Framework states that sites for communications masts should be kept to a minimum and that the use of existing masts for new electronic communications capability should be encouraged. Paragraph 117 states that, for a new mast, evidence should be provided that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. This approach is reflected in Policy DC64 of the CS.
10. There are no existing masts to use close to the appeal site. Nor, as I saw on my site visit, are there appropriately tall buildings or other structures which could be used. The appellant has also considered a number of alternative sites, within a search area where the 5G communication apparatus needs to be

erected for suitable network coverage. The search area used by the appellant is not contested, and I have no reason to disagree.

11. The alternative sites have been discounted for various reasons, including proximity to residential occupiers, narrowness of pavements, and complications regarding moving services. I visited the alternative sites highlighted by the appellant and agree with their conclusions. Even Option 2 would be closer to residential properties and in an area with a more residential character and appearance, in comparison to the appeal site.
12. The alternative site search is reasonably comprehensive. The search area is almost entirely suburban residential in character and appearance, limiting options for alternative sites which would not be visible from the public domain. The appeal site is in a partially commercial area, and relatively distant, in the context of a suburban area, from the nearest residential properties. In this context, there are no obvious alternatives that would be an improvement on the appeal site. Consequently, I am satisfied on the evidence before me that the appellant has considered and reasonably eliminated a range of alternatives.

Other Matter

13. 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), thereby complying with paragraph 117 of the Framework. 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. The proposal is therefore acceptable in this regard.

Planning Balance and Conclusion

14. I have found that the proposal would result in limited harm to the character and appearance of the area. However, the proposal would have significant benefits in terms of improving the 5G coverage in the area. This, taken together with the lack of any identified suitable alternatives, is sufficient to outweigh the limited harm I have identified.
15. For the reasons given above, I conclude that the appeal should be allowed and that prior approval should be granted.

Conditions

16. Any planning permission granted 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.

O S Woodward
INSPECTOR