



Appeal Decision

Site visit made on 28 April 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06/06/2022

Appeal Ref: APP/U5930/W/21/3277283

Lea Bridge Road, Walthamstow, London E10 7NQ

Easting (x) 536604 and Northing (y) 187364

- 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 Waltham Forest London Borough Council.
 - The application Ref 211143, dated 16 March 2021, was refused by notice dated 4 June 2021.
 - The development proposed was originally described as '15m Phase 8 Monopole C/W wraparound 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) for the installation of a 15m high Phase 8 Monopole complete with wraparound cabinet at base and associated ancillary works to provide 5G coverage at Lea Bridge Road, Walthamstow, London E10 7NQ (Grid Ref Easting (x) 536604 and Northing (y) 187364), in accordance with the terms of the application, Ref 211143, dated 16 March 2021, the plans submitted with it and the details of the colour of the monopole and cabinets submitted to PINS on 25 May 2022 i.e RAL 7035 (Grey), subject to the relevant conditions of Class A.

Preliminary Matters

2. The provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), 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. 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 had regard to the policies of the development plan referred to in the Council's decision notice only in so far as they are a material consideration relevant to matters of siting and appearance.
4. For the purposes of my decision, I have used the clearer description of the proposal as provided on the Council's decision notice.

5. The Council's case suggests that the cabinets and masts would cause poor visibility for cyclists on segregated cycle tracks on Lea Bridge Road as well as affecting visibility for traffic users egressing Heybridge Way. I am mindful that the highway related responses to the application which led to this appeal and the Council's decision notice do not specify any safety concerns. In any case, I have considered this matter under the main issue.
6. The appellant has confirmed that the colour of the monopole and cabinets would be RAL 7035 (Grey). The Council has been provided with an opportunity to comment on this and no further comments have been received.

Main Issue

7. In light of the above, the main issue is the effect of the siting and appearance of the proposed installation upon the character and appearance of the area and highway safety.

Reasons

8. Lea Bridge Way is a well-trafficked through route. The appeal site is located at its junction with Heybridge Way. This side of the road is predominantly characterised by large commercial units including a supermarket and a vehicle service and repair garage which sit either side of the junction. Various street furniture is located in close proximity to the site including streetlights, traffic lights and totem signage. The appeal site is situated on the pedestrian footway. There is a planted area behind the back edge of the pavement and there are mature trees behind this within the grounds of the adjacent supermarket. Mainly two-storey terraces occupied by a mixture of residential and commercial uses line the opposite side of Lea Bridge Road.
9. The pavement widens next to the appeal site and the monopole and cabinets would be aligned close to the back edge of the pavement, thereby retaining a spacious footway. The monopole would be seen in the context of other nearby lower but nonetheless tall street furniture as well as the adjacent busy road and its commercial backdrop. The cabinets would be small in scale and even when seen with the monopole would not amount to an extensive array of structures. The monopole and associated cabinets would also be identifiable for their function.
10. The mature trees behind the appeal site are of comparable height to the monopole and together with the planting to the back edge of the footway would form a softening background. The grey finish to the monopole and cabinets would correspond with the colour of the nearby streetlights.
11. As a result of all the above factors, the installation would not be obtrusive nor would it result in any unacceptable visual clutter.
12. Given the position of the installation set back from the junction with Heybridge Way and the cycle lane on Lea Bridge Road, as well as the slender profile of the monopole, the proposal would not materially impact on visibility for drivers or cyclists. Whether or not the Highway Authority would permit works to be undertaken on highway land is not a matter for me to assess as part of this appeal.
13. I conclude, the siting and appearance of the proposal would have an acceptable effect on the character and appearance of the area and highway safety.

Other Matters

14. In considering the need for the proposal, Government policy, as set out in the Framework, strongly supports the provision of high-quality telecommunications infrastructure, which is seen as essential for sustainable economic growth and for enhanced provision of local community facilities and services. It is clear from the evidence that there is a need for improved coverage in this area. The intended improvements in 5G coverage therefore weigh in favour of the proposal.
15. The appellant has confirmed that the 5G antennas are some three times heavier than previous antenna and the alternative to allow for mast sharing would be for a bulkier mast to be erected in the cell search area. In any case, in light of my findings that the siting and appearance of the installation would be acceptable, I do not have cause to further consider the potential availability of alternative sites for such a mast.

Conditions

16. Development permitted under Class A, Part 16 of the GPDO is subject to standard conditions. These include a time limit for implementation, a requirement that development is carried out in accordance with the details approved/submitted with the application, and that it is removed when it is no longer required for electronic communications purposes. I have not repeated these conditions.

Conclusion

17. I therefore conclude that the appeal should be allowed and prior approval should be granted.

M Russell

INSPECTOR