



Appeal Decision

Site visit made on 17 January 2022

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 22 June 2022

Appeal Ref: APP/D5120/W/21/3276654

Land Associated with 18 to 68 York Avenue, Off Harland Avenue, Sidcup London, DA15 7LH

- 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 and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by MBNL (EE (UK) Ltd and H3G (UK) Ltd) against the decision of London Borough of Bexley.
 - The application Ref: 20/02850/GPDO8, dated 4 November 2020, was refused by notice dated 17 December 2020. The development proposed is a 19 metre high monopole supporting 12no. antennas and 2no. 300mm dishes, the installation of 7no. equipment cabinets at ground level and development ancillary thereto.
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Decision

1. The appeal is dismissed.

Procedural Matter

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.

Planning Policy

3. 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 to be had to the development plan. I have had regard to the policies of the development plan and any related guidance 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

4. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area.

Reasons

5. The proposed installation would be sited within the grass verge to the side of the care home access road at its junction with York Avenue and Harland Road. The surrounding area is predominantly residential and characterised by large

semi-detached properties. To one side of the appeal site lies an area of allotment garden which is mostly open, undeveloped and contains a few trees with a railway line to its rear. To the rear of the appeal site lies Old Farm Park, a flat and open area of parkland. The proposed telecommunications mast would be sited in a considerably open position which is characterised by the parkland to its rear and the nearby residential properties. As an open and largely undeveloped parcel of land, the appeal site provides an important respite within the existing built form and makes a positive contribution to the overall pleasant and verdant appearance of the surrounding urban area.

6. The proposed infrastructure would include a slimline monopole of some 19 metres in height. The submitted drawings indicate that it would exceed the height of the adjacent trees by roughly 3 metres and it would stand at almost double the height and thus significantly taller than neighbouring dwellings and lighting columns. By reason of its significant height and proposed position within an open and largely undeveloped area, it would be viewed as a strident and isolated form of development set on its own. Nearby tree cover would have little effect in screening the proposal. This position would be worsened during the winter months when foliage is less dense resulting in the appeal scheme becoming more visually prominent.
7. In addition, albeit the design incorporates a slimline pole, the inclusion of a number of antenna and dishes would set it apart from nearby lighting columns and the resultant top heavy appearance would further serve to draw the eye towards the proposed development. It would appear as a stark, visually intrusive and incongruous addition against the skyline that would detract from the established character and appearance of the area.
8. The proposed street level equipment cabinets would include a low height and be partly obscured by reason of their position behind a low wall and railings. Whilst these types of cabinets have become commonplace within grass verges and an accepted part of street furniture more generally, in this location there is an absence of similar features and, notwithstanding their linear arrangement, in combination with the proposed monopole, the scheme would result in a proliferation of vertical features and a cluttered visual appearance to the detriment of the open and verdant character of the appeal site and the wider area.
9. The appeal scheme would be clearly visible and highly pronounced in both short and longer range views particularly whilst travelling towards the site along Harland Avenue owing to its prominent position as the road bends and joins York Avenue. Furthermore, it would remain readily apparent from the nearby green spaces of the allotment gardens, playing fields and Old Farm Park. The submitted photomontages comprise only a limited range of views taken during periods of substantial foliage. To my mind, they fail to take account of any loss of vegetation and they do not alter my findings above which have been formed based upon the evidence and my observations at the site visit.
10. Similarly, it has been put to me that the appellant would be content to consider the use of alternative colour than the proposed grey finish. However, I am not satisfied that the use of any alternative colour or camouflage would help to soften and blend the appeal scheme into its surroundings given its highly prominent position.

11. Accordingly, I find that by reason of the siting and appearance of the proposal it would lead to a significant detrimental effect on the character and appearance of the area. Thus, it would conflict with Policy CS01 and CS17 of the London Borough of Bexley Core Strategy (2012) and Policies ENV19, ENV39 and ENV45 of the Bexley Unitary Development Plan (2004). Among other things, these policies require high quality development that enhances the character of the surrounding locality and makes a positive and appropriate contribution to green infrastructure. In addition, it would be contrary to the aims of the Framework concerning well-designed places and the requirement for new sites and equipment for electronic communications masts to be sympathetically designed.

Other Matters

12. A number of other appeal decisions have been brought to my attention. However, it is not clear to me that the visual impact of those schemes, nor the weight attributed to their public benefits is comparable to the appeal proposal before me. As such, a comparison is of little relevance, and I have determined the appeal scheme before me with regards to its individual planning merits.
13. No adverse harm has been identified with regards to protected species, heritage assets and flood risk. However, the absence of harm is a neutral matter that weighs neither for nor against a proposal.
14. The impact of the appeal scheme on the character and appearance of the surrounding area needs to be set against the need for a replacement facility. The Framework places importance on supporting high quality communications and on achieving well-designed places. It recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth, social well-being in addition to changing travel patterns to reduce our carbon footprint.
15. The appeal scheme would be a replacement for similar telecommunications equipment which I am advised is being decommissioned from the network and presently provides coverage for users of service provided by EE and Three. Whilst there is limited information before me quantifying the extent of the impact of the loss of the existing equipment, its consequent effect on the loss of coverage and the likely degree of disruption to the wider network, there would nonetheless be an impact and thus the public benefit arising from the continuation of local service provision, including for use by the emergency services, is a matter to which I attach moderate weight.

Conclusion

16. The proposal is for the replacement of an existing telecommunications site. The provision of improved high-quality, reliable digital connectivity to enable communities to benefit from faster economic growth and greater social inclusion is an important objective within the Framework. These are matters which weigh in favour of the proposal. However, the harm that would arise with regards to the materially harmful impact on the character and appearance of the area would be significant and the benefits of the scheme and other considerations do not outweigh this harm. Accordingly, for the reasons given above, I conclude that the appeal should be dismissed.

E Brownless - INSPECTOR