



## 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: 27 June 2022**

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**Appeal Ref: APP/E5330/W/21/3277117**

**Westhorne Avenue, Well Hall, Royal Borough of Greenwich, London, SE9 6JX**

- 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 Hutchinson UK Ltd against the decision of Royal Borough of Greenwich.
  - The application Ref: 21/1287/T3, dated 3 April 2021, was refused by notice dated 1 June 2021. The development proposed is a 15m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.
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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 Issues

4. The main issues are the effect of the siting and appearance of the proposed installation on:-
  - i) the character and appearance of the area; and
  - ii) highway and pedestrian safety.

## Reasons

### *Character and appearance*

5. The appeal site comprises an area of pedestrian footway adjacent to the highway with a large expanse of open green space to its rear mainly comprising of playing fields that are bordered with railings and some mature trees. The surrounding area is predominantly residential in character with two-storey dwellings fronting the opposite side of Westthorne Avenue. A number of items of street furniture, including numerous street lighting columns, road signage, bus stop and shelters are all present nearby. Overall, the surrounding area has a pleasant and spacious appearance where the rhythm of dwellings and the regular spacing of streetlight columns provides a sense of uniformity.
6. The appeal scheme would introduce a 5G telecommunications monopole of some 15 metres in height. The submitted drawings indicate that it would be taller by some 5 metres when compared to the existing street lighting. In addition, it would stand significantly taller than the surrounding rooftops and the adjacent trees, the majority of which are approximately 12 metres or less, taking account of the measurements upon the submitted drawings. In addition, it would comprise a thicker column width than the surrounding street furniture and nearby rugby goalposts and the inclusion of several antenna and dishes would result in a top heavy bulky appearance that would set it apart from nearby lighting columns.
7. By reason of its significant height, bulk and position it would appear as an incongruous and stark form of development set against the skyline that would be visually intrusive thus detracting from the established character and appearance of the area. The position of the proposal close to the highway would further contribute to the visual dominance of the proposal as perceived by passing traffic.
8. Albeit the proposed street level equipment cabinets may be permitted development, they form part of the application before me and are therefore for consideration. Whilst they are limited in number, they are notable in size and when taken together 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 spacious character of the area. This harm would be perceived in short range views from the highway and nearby properties and in longer views from and across the green open space.
9. Notwithstanding the presence of nearby mature trees, these would have little effect in screening the development and, moreover, the visual impact of the scheme would be worsened during the winter months when foliage is less established.
10. In my view, the use of an alternative colour or finish would not overcome the visual impact of the scheme nor overcome the harm arising from the design, height and siting of the structure.
11. Accordingly, I conclude that by reason of the siting and appearance of the proposed development it would lead to unacceptable harm to the character and appearance of the surrounding area. It would conflict with Policies D3 and D8 of the London Plan (2021)(LP) and Policies DH1 and DH(c) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014)(CS). Among

other things, these policies seek a high quality development that responds to local distinctiveness and the character of a place. 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.

### *Pedestrian and highway safety*

12. The appeal scheme would be positioned within the pedestrian footway adjoining Westthorne Avenue, a busy dual carriageway Priority (Red) Route forming part of the Strategic Road Network.
13. The existing footway is wide, measuring some 5.5 metres, as noted on the submitted drawings. Whilst the proposed development would include a base unit and several cabinets, these would be aligned in a linear arrangement towards the back edge of the footway and would result in an unobstructed footway width of some 4.4 metres. By reason of the width of the useable footway, there would not be a significant impediment to pedestrian flow and safety.
14. The doors of the proposed cabinets would open out into the footway during times of service and maintenance, and this could pose an obstruction to passing pedestrians. However, even with the cabinet doors open, the pavement in this location would remain sufficiently wide and, in my view, cyclists and pedestrians, including highway users with pushchairs, wheelchairs or mobility scooters, would be able to adequately and safely manoeuvre around any obstruction.
15. Notwithstanding that the visually jarring impact of the scheme would be readily apparent to passing motorists, I am not satisfied that the attention of drivers would be unduly distracted such that highway safety would be materially compromised. Reference has been made to a history of road traffic collisions in the vicinity, however, there is little detailed evidence regarding the nature of these accidents.
16. Overall, I find that the proposed siting and appearance of the appeal proposal would not be unduly harmful to the safety of the vehicular and pedestrian environment. The proposal would accord with LP Policies D8, T2 and T4 and CS Policies DH1 and IM(b). Among other things, these policies seek to ensure high quality pedestrian environments, integration of footpaths with cycle networks to encourage shared space and promote walking and cycling safety and not to increase road danger. Similarly, there would be no conflict with the Framework insofar as it requires development proposals to create places which are safe, secure and attractive and minimise the scope of conflicts between pedestrians, cyclists and vehicles.

### **Other Matters**

17. The impact of the appeal scheme on the character and appearance of the surrounding area needs to be set against the need for such a 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, including 5G networks, is essential for economic growth, social well-being in addition to changing travel patterns

to reduce our carbon footprint. This matter weighs considerably in favour of the appeal scheme.

### **Conclusion**

18. Taking everything into account, I find that the public benefits of the installation in terms of enhancement of the telecommunications network, its contribution to economic growth and the operational and locational needs of the operator do not outweigh the significant harm that I have identified to the character and appearance of the area.
19. Accordingly, for the reasons given above, I conclude that the appeal should be dismissed.

*E Brownless*

INSPECTOR