



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: 28 June 2022

Appeal Ref: APP/E5330/W/21/3278132

Eltham Road, Redbrick Estate, Eltham, London, SE12 8UH

- 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 Hutchison UK Ltd against the decision of Royal Borough of Greenwich.
 - The application Ref: 21/1425/T3, dated 11 April 2021, was refused by notice dated 9 June 2021.
 - The development proposed is a 15 metre 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) pedestrian and highway safety.

Reasons

Character and appearance

5. The appeal site comprises an area of pedestrian footway adjacent to the heavily trafficked A20, Eltham Road, in close proximity to a busy traffic-controlled junction. The area surrounding the appeal site is predominantly characterised by two-storey detached and semi-detached residential properties albeit interspersed with some commercial and recreational uses, including a petrol filling station, sports centre and playing fields. A number of items of street furniture, including street lighting columns, traffic signals, road signage, bus stops and shelter are all present nearby. To the rear of the appeal site and footway is a large green open space comprising playing fields bordered by low railings and mature trees spaced out along its edges. Despite the busy traffic environment, by reason of the built form being mostly low scale and set back from the highway together with the presence of adjacent playing fields and mature vegetation, the area displays a spacious and verdant character. Forming part of the footway adjacent to open green space, the appeal site lies within an attractive area that provides beneficial respite within the built form.
6. The appeal scheme would introduce a telecommunications monopole of some 15 metres in height which would be thicker in width and taller in height when compared to the existing street lighting and furniture. Similarly, it would exceed the surrounding rooftops by a considerable height and, as demonstrated on the submitted drawings, it would protrude above the canopies of the nearby tallest trees by some 3 metres. The inclusion of several antenna and dishes would result in a top heavy bulky appearance that would set it apart from nearby lighting columns and draw the eye towards it.
7. By reason of its excessive height and scale the proposed installation would not assimilate well with the existing vertical features along Eltham Road. Given its prominent position in close proximity to the junction, it would be read as a strident and incongruous feature against the skyline which would appear visually obtrusive and at complete odds with the established character and appearance of the surrounding area. By reason of their smaller stature the nearby mature trees would have little effect in screening the development and during the winter months when foliage is less dense, the adverse visual impact of the scheme would intensify.
8. Whilst the proposed street level equipment cabinets could amount to permitted development, they form part of the appeal scheme and I have therefore given consideration to them. Although they would be positioned towards the rear of the footpath and modest in their number, they would nonetheless be notable in size and readily visible due to an absence of any screening. Cumulatively, when taken alongside the proposed monopole, they would result in a proliferation of vertical features and a cluttered visual appearance to this part of the footway to the detriment of the open and spacious character of the wider area.
9. The appeal scheme would be readily visible in a number of public and private views from the highway, adjacent playing fields and from neighbouring dwellings. In my view, the use of an alternative colour or finish would fail to overcome the harm I have identified above.
10. Accordingly, I find that the appeal scheme would have an unduly harmful effect on the character and appearance of the surrounding area. The proposal 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 require 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

11. The appeal scheme would be positioned within the pedestrian footway adjoining Eltham Road, a heavily trafficked Priority (Red) Route forming part of the Strategic Road Network. Although the adjoining highway is mainly single carriageway, the appeal site is in close proximity to a traffic-controlled junction with Kidbrooke Park Road and Sidcup Road where several lanes of traffic converge at the junction of these roads.
12. The proposed base unit and equipment cabinets would include a linear arrangement that would be aligned with the majority of existing street furniture along this part of the footway, including a nearby bus shelter, bench and wastebin. There appears to be a dispute between the parties concerning the resultant unobstructed footway width. The Highway Authority states a width of 3 metres would remain whereas the appellant has calculated a width of some 2.6 metres between the proposed installation and the kerb.
13. Taking the worst-case scenario as cited by the appellant, it is put to me that the appeal scheme would exceed the 'Preferred Minimum Width' specified within the Streetscape Guidance, Fourth Edition 2019 Revision. The Council have not sought to dispute this matter nor provide any detail of a minimum distance that needs to be maintained. Whilst the appeal scheme would introduce a small and localised obstruction to pedestrian flow, by reason of the matters stated above, my consideration of the submitted plans and observations at the site visit, I find that the appeal scheme would not result in any significant impediment to pedestrian flow and safety including highway users with pushchairs, wheelchairs or mobility scooters.
14. Whilst the visually jarring appearance of the appeal scheme would be readily apparent to passing motorists, particularly those on their approach to the junction along Sidcup Road, given that telecommunications installations together with their associated street level equipment cabinets are becoming more commonplace within footways and verges adjacent to highways together with the appeal schemes' static nature, I am satisfied that the proposal would not be unduly distracting such that the interpretation of traffic signals by drivers of motor vehicles would be hindered to the detriment of the free flow of traffic and highway safety.
15. The doors of the proposed cabinets would open out into the footway during times of service and maintenance. I accept that this could pose an obstruction to passing pedestrians and cyclists. However, the pavement in this location is wide and, in my view, users of the footway would be able to adequately manoeuvre around any such obstruction and each other safely, particularly given that there are straight lines of sight in both directions. I accept that there are likely to be times when usage of the pavement increases, such as when public transport sets down its passengers at the nearby bus stop, however,

based upon my site observations, I am not persuaded that the proposal would cause unacceptable adverse harm to pedestrian and cycle safety.

16. Reference is made to the potential obstruction from parked vehicles during installation or maintenance. However, the highway adjacent to the site is subject to double red lines which preclude the stopping and parking of vehicles. As such, I consider that indiscriminate parking adjacent to the site would be curtailed by the operation of these strict parking and loading/unloading restrictions and safely controlled by the need to obtain dispensation.
17. 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 T2(d) and T4(f) 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

18. 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 and 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

19. I have concluded that there would not be any unduly harmful effect on pedestrian and highway safety. However, there would be harm caused to the character and appearance of the area. Having regard to 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, I consider that these do not, either individually or cumulatively, outweigh the significant harm identified to character and appearance.
20. Accordingly, for the reasons given above, I conclude that the appeal should be dismissed.

E Brownless

INSPECTOR