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# Appeal Decision

Site visit made on 24 May 2022

**by Chris Forreth BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 August 2022**

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**Appeal Ref: APP/W5780/W/21/3281706**

**Area of footpath on Eastern Avenue (adjacent to 137 Beehive Lane), London, IG4 5DR**

- 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 CK Hutchison Networks (UK) Ltd against the decision of London Borough of Redbridge.
  - The application, reference 2152/21 and dated 21 May 2021, was refused by notice dated 22 July 2021.
  - The development proposed is the erection of a 16 metre high Phase 8 telecommunications pole with built-in cabinet, 3no. separate cabinets and ancillary works.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. For clarity on the location of the appeal site, I have included reference to the adjacent building in the address part of the banner header above.

## Main Issue

3. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area, the living conditions of the future occupiers of the adjacent new development, and on highway safety.

## Reasons

### *Character and appearance*

4. The appeal site is located close to the junction of Beehive Lane with Eastern Avenue, which is a dual carriageway with a high traffic flow. Buildings in the area are generally two-storey in scale, with a notable exception being Wentworth House which includes a high-rise element.
5. The proposed mast would be significantly higher than the vast majority of the existing buildings nearby and given the sites location near to the junction with Beehive Lane, it would be prominent in the streetscene. This is particularly the case as the main part of the building immediately adjoining the site is set back from the Eastern Avenue frontage with a flat roofed single storey element to the street corner.

6. Notwithstanding that, as part of their appeal submissions, the Council have drawn my attention to a recent planning permission<sup>1</sup> immediately adjacent to the appeal site which is for a four-storey building which will be used for retail and residential purposes. At my site visit, I note that the site had been fenced off and some initial site works had commenced.
7. From the limited details of that new development which have been provided to me, given its four-storey nature it would likely to be in the region of 12 metres in height<sup>2</sup>. Whilst the proposed mast would still be taller than this new building, it would not stand out as such a prominent feature. This is evident as the new development would be a taller building than the existing one and would include a much higher element on the street corner when compared to the existing single-storey flat roof element. To my mind, this is a very significant factor.
8. Taking this into account, I am of the view that the mast would not result in an unacceptable impact on the character and appearance of the area.
9. For the above reasons, the installation would not harm the character and appearance of the area and would accord with Policies LP25 and LP26 of the Redbridge Local Plan 2015-2030 (2018) (RLP) which, amongst other matters, seek to ensure that telecommunications installations are sited in such a way that they do not adversely affect the appearance of the surrounding area.

#### *Living conditions*

10. From the very limited information before me, the Council have raised concern over the potential impact of the installation on the residential amenity of the occupants of the new development adjacent to the site. However, the Council have not elaborated on this any further.
11. Whilst the mast would be sited to the frontage of the new development, there would still be a reasonable gap between it and the main part of the building itself. From what information I do have, there is nothing to suggest that the mast would result in an unacceptable outlook, nor is there anything else which would suggest that it would result in an unacceptable impact on residential amenity.
12. In addition to the above, I note that none of the equipment cabinets are excessively high to the extent that they would have an adverse impact on the occupants of either of the ground floor flats.
13. For the above reasons, the proposal would not give rise to unacceptable living conditions for the future occupiers of the new development adjacent to the site and would accord with Policy LP26 of the RLP which, amongst other matters, seeks to ensure that proposals do not result in an adverse impact on the amenity of neighbouring occupiers of residential properties.

#### *Highway safety*

14. The pavement on Eastern Avenue in the vicinity of the appeal site is approximately 4 metres in width. At my site visit, I saw that there is a bus layby and shelter a short distance to the west of the site where the pavement

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<sup>1</sup> Reference 3209/20 approved on 18 December 2020

<sup>2</sup> Based on the Officers report stating that floor to ceiling heights would be 2.5 metres, together with an allowance of approximately 50 centimetres for each floor/roof.

is considerably narrower. It is also noted that a cycle lane at this point is located within the carriageway of the road.

15. The appeal proposal would result in the narrowing of the available pavement area, albeit that there would still be at least 3 metres in width available between the equipment cabins/mast and the carriageway edge. Consequently, the remaining width of the pavement would be more than adequate for pedestrians to safely pass the site without having any real impact.
16. In respect of cyclists, whilst the cycle lane is not present on the carriageway immediately outside of the appeal site, there is not any cycleway within the pavement area either. Furthermore, no proposed cycle lane in the vicinity of the appeal site has been presented to me. Therefore, from the evidence before me, the proposal would have no impact on cyclists.
17. However, from the details provided to me, the siting of the mast would conflict with one of the pathways from the pavement to the new residential development adjacent to the site. The mast with its wrap-around cabinet would largely prevent persons using the access, which also appears to be the main refuse and recycling access from the public highway. In that respect the proposal would have an unacceptable impact on the access arrangements to the new development as a result of its siting which in turn could result in a refuse collection point too close to the traffic signalled junction to the detriment of highway safety. Whilst I acknowledge that this could be resolved by a minor re-siting of the mast to avoid this conflict, this is not the proposal before me.
18. For the above reasons, the proposal would be sited in a location which would restrict access to the new residential development and result in an increase in pedestrian and highway danger. The proposal would also be in conflict with Policy LP26 of the RLP which amongst other matters seeks to ensure that proposals are well integrated and have regard to and respect for the surrounding area, including being of a high-quality inclusive design to ensure an accessible environment. It would also be at odds with the transportation aims of the National Planning Policy Framework (the Framework) which seeks to ensure a safe and suitable access can be achieved for all users.

#### *Telecommunications balance*

19. The Framework, at paragraph 114, is clear that advanced, high quality and reliable communications infrastructure is essential for sustainable economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks. It also specifically includes support for next generation mobile technology (such as 5G). The Council does not dispute the need for network coverage in the area, nor is there any contention of the substantial benefits to mobile connectivity. I see no reason to take a different view on these points.
20. From the evidence before me, the appeal site is located well away from the preferred nominal location for the installation, and also would be outside the desired search area. It is also away from the area where there is a clear deficiency in coverage.
21. Having said that, no other suitable sites have been put forward, which leads me to the view that the general location of the appeal proposal is the least worst option.

22. Notwithstanding that, I am conscious that the proposal would result in an increase in pedestrian and highway danger as a result of its exact siting blocking the entrance to the refuse and recycling area from the pavement. To me, that is the most significant (and determinative) factor.

**Conclusion**

23. For the reasons given above, including the Governments overarching objective to improve mobile connectivity and to deliver required network improvements, I conclude that the appeal should be dismissed.

*Chris Forrett*

INSPECTOR