



Appeal Decision

Site visit made on 15 August 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2022

Appeal Ref: APP/W5780/W/21/3277217

Manor Road, Chigwell IG8 8BX

- 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 London Borough of Redbridge Council.
 - The application Ref 1488/21, dated 3 April 2021, was refused by notice dated 26 May 2021.
 - The development proposed is described as '15.0m phase 8 monopole c/w wrapround cabinet at base and associated ancillary works.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's reason for refusal on the decision notice states that the development does not comply with sections (2) to (6) of part A.2 of Class A, Part 16, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the GPDO). These sections contain the conditions to which the development must adhere, and stipulate the need for prior approval. I do not have evidence before me to suggest why the development would not adhere to those conditions. However, I have considered the Council's officer report which considers the siting and appearance of the proposal and the decision notice insofar as it clearly states that prior approval is required and is refused. I have dealt with the appeal on this basis.
3. The provisions of the GPDO, under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority, and therefore the Secretary of the State, 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.
4. 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 to be had to the development plan. I have therefore had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only insofar as they are a material consideration relevant to matters of siting and appearance.
5. The appellant has put forward that the proposed ground level cabinets do not require prior approval. Notwithstanding the positions set out, this is not for me

to determine as part of the appeal. I have assessed the scheme based on the description of the development and the plans submitted.

Main Issues

6. Notwithstanding the Council's reason for refusal, and as addressed above, the main parties do not dispute that the appeal scheme meets the requirements of Class A, Part 16, Schedule 2 of the GPDO such that it would constitute permitted development, subject to the condition that prior approval must be sought in relation to its siting and appearance.
7. The main issues are:
 - the effect of the siting and appearance of the proposed installation on the character and appearance of the area including the Woodford Bridge Conservation Area, and
 - if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Reasons

8. The appeal site lies at the eastern side of the Woodford Bridge Conservation Area (WBCA). My decision therefore has regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.
9. The appeal site is located on the northern side of Manor Road, which is a busy road and bus route. To the west is the Church of St. Paul which sits within a generous area of green open space characterised predominantly by grassland and mature trees (the green). The green is central within the WBCA and provides an open and verdant character. Ground levels drop gently across the green from east to west, and the combination of the open space and the sloping land allows for long views around the green. These attributes give the area a semi-rural character and contribute strongly to the significance of the WBCA.
10. Various street furniture exists near the appeal site, including road signage, a bus shelter and street lighting. While the street lights provide vertical features at regular intervals, these have slim profiles and are simple in their overall design. By contrast, the proposed mast would be much taller, have a substantially thicker profile and a complex and cluttered appearance by virtue of the equipment that it would accommodate, particularly at its upper levels. Consequently, it would appear as a visually intrusive feature, heavily at odds with the established character of the area.
11. The proposed development would sit on high ground at the far eastern side of the green. As a result of its height and location, the proposed mast would be evident in the long views enjoyed from around the green, especially at its upper levels where it would exceed the heights of the tree canopies. This would particularly be the case in winter months when there would inevitably be less screening. The appellant states that the colour of the equipment could be amended to merge with its surroundings. However, I am not satisfied that this

would adequately reduce the harmful visual impacts of the development, nor do I have details of a revised colour before me.

12. For these reasons, the mast would be in stark contrast with the character and appearance of the surrounding area. It would be visually prominent in near and far reaching views across the open spaces of the green and in those views would appear as an unusual and incongruous feature. Consequently, it would have an adverse visual effect and would fail to preserve or enhance the character or appearance of the WBCA.
13. The proposed ground level cabinets would be utilitarian in their appearance. However, due to their position at the back of the footway close to the landscaping surrounding the public house, as well as their proximity to other utilitarian structures including the bus shelter, they would merge into the established character of the immediate vicinity. They would be largely screened in any far reaching view points from the east or west. I therefore find that the cabinets alone would preserve the character and appearance of the conservation area.
14. Nonetheless, for the reasons given I find the mast would cause significant, but less than substantial harm to the WBCA. In accordance with paragraph 202 of the Framework, such harm should be weighed against the public benefits of the proposal.
15. The proposal would improve the provision of a 5G network in this location, with associated benefits including faster and more reliable 5G connectivity. In turn it would contribute to economic growth in the UK, improve connectivity in society and serve potential new technologies. I acknowledge that the proposal to provide coverage in this geographical area is part of a wider whole and that the network would be undermined by gaps in coverage. I consider that the public benefits arising from this particular proposal would be moderate, but they would not be sufficient to outweigh the less than substantial harm to the significance of the heritage asset, to which I must give great weight in accordance with paragraph 199 of the Framework.
16. In conclusion, the siting and appearance of the proposed development would harm the character and appearance of the area and the significance of the WBCA. Insofar as it is a material consideration, the proposal would be contrary to Policy LP25 of the Redbridge Local Plan 2018 (the LP), which requires that telecommunications development does not adversely affect the appearance of the surrounding area. It would also conflict with the aims of Policy LP26 of the LP, insofar as it requires high quality design that respects local character, and which conserves and enhances the character and significance of the historic environment.

Alternative Sites

17. The proposed equipment would provide 5G coverage. The supporting Cell Search Area Map shows that the appeal site lies within an area of coverage deficiency which the proposal seeks to infill. This information is not disputed by the Council and has informed the appellant's search area for the new equipment. On the basis of the evidence before me, I am satisfied that the appellant has demonstrated that there is an identified need for the proposed development to be located somewhere in the search area.

18. I have found that the proposed development, through its siting and appearance, would cause harm to the character and appearance of the area and the WBCA for the reasons given. The other options that might be available are therefore an important consideration. In addition, paragraph 117 of the Framework requires that, for a new mast, evidence be provided that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
19. The supporting information refers to six discounted alternative options for the proposed development, numbered D1- D6. However, there is no associated clarification of where these sites are located within the search area. Reasons are given as to why they have been discounted and these include insufficient space, proximity to housing and private roads. However, the reasons are brief and unsupported by any further evidence to suggest why they would be more harmful than the appeal scheme, or are not viable. Neither has it been demonstrated whether the options explored included the use of existing buildings, masts or structures, as required by the Framework. The appellant states that opportunities for sharing facilities have been investigated and exhausted, and that mast sharing would entail a more bulky structure and multiple levels of headframes. However, I have no evidence of these alternatives before me.
20. I note that an application for prior approval was refused on 16 June 2020¹ for a 20m high mast on the opposite side of the road to the east of the appeal site. I understand this to have been outside the WBCA. While the Council considered the siting and appearance of that development to be unacceptable, the presence of that refusal alone does not satisfy me that there are not other suitable alternative sites for the proposal in the search area.
21. The appellant states that the cell search area is extremely constrained and that the only viable option has been put forward. However, the map shows that the search area covers a wider area encompassing both built up and open spaces. In the absence of clear and persuasive evidence as to why alternative sites have been discounted, I am unable to establish that the appeal scheme is the most suitable in its siting and appearance.
22. For the reasons given I am not satisfied that, based on the evidence, the appeal scheme represents the least harmful option, nor that the requirements of paragraph 117 of the Framework have been met.
23. In summary, the development proposed would cause harm to the character and appearance of the area including the WBCA, and I am not satisfied that less harmful alternatives have been properly explored. For these reasons I find the siting and appearance of the proposed development to be unacceptable.

Other Matters

24. While I recognise that there are wider social and economic benefits that would arise from the proposal, the GPDO is clear that the only considerations should be the siting and appearance of the proposal. Therefore these considerations only come into play insofar as the assessment of the impact on the designated heritage asset is concerned.

¹ Ref 1405/20

25. The Council's Officer Report refers to an objection from its Tree Officer regarding the impact of the proposed development on the nearby trees. This was not discussed further within the Council's officer report and assessment. Despite this, as I am dismissing the appeal for other reasons, this is not a matter I need to consider further.
26. The appellant has drawn my attention to an appeal decision where prior approval was granted for a telecommunications mast near Manchester². While no details of that development or its surroundings are before me, given the site-specific characteristics of this appeal scheme described above, I do not find that that appeal decision provides reason to alter my judgement.

Conclusion

27. For the reasons given above, I conclude that the appeal is dismissed.

C Shearing

INSPECTOR

² APP/G4240/W/20/3263529