



Appeal Decision

Site visit made on 13 September 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 October 2022

Appeal Ref: APP/U5930/W/22/3294962

Shernhall Street, Leyton, London, E17 3EX, 538072, 189497

- 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 the London Borough of Waltham Forest.
 - The application Ref 212659, dated 6 August 2021, was refused by notice dated 1 October 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 allowed and approval is granted for 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works at Shernhall Street, London, E17 3EX, 538072, 189497 in accordance with the terms of the application, Ref 212659, dated 6 August 2021.

Preliminary Matters

2. The principle of the appeal proposal is established in the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). The GPDO requires that prior approval applications for telecommunications development under Schedule 2, Part 16, Class A be determined having regard to the siting and appearance of the development.
3. As the GPDO does not requires that regard be had to the development plan in determining such applications, I have had regard to the policies identified by the Council only insofar as they relate to the siting and appearance of the development.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, and if any harm that would result from the proposed development would be outweighed by the need for it.

Reasons

5. The appeal site lies close to the junction of Shernhall Street with Church Hill Road, and close to a pedestrian crossing. It is a prominent site in clear view along Shernhall Street, with blocks of flats to its rear. The mast would be prominently visible in the surrounding area, and would be taller than the nearby streetlamps, notwithstanding that the nearest of these is taller than

shown on the application drawings. Established planting between the site and the flats would provide some screening, but this planting is of varied height and the tallest trees would still be shorter than the mast.

6. The installation would comprise the mast, with a cabinet at its base, and three separate cabinets sited between the mast and the nearby streetlamp. These would introduce visual clutter into what is a relatively sparse section of the street scene principally defined by the single streetlamp and the boundary planting and the lightweight post and chain fence to the flats.
7. Set against this harm is the benefit from improved mobile phone coverage in the area, including the benefits of providing 5G coverage. The National Planning Policy Framework recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. The appellants have identified 7 alternative sites in the surrounding area, but due to concerns variously including pavement width, visibility and the proximity to residential properties and to trees none of these sites were suitable for the proposed development. The requirements of 5G service means that new installations are necessary. Where the potential of preferable alternative sites have been exhausted, including sharing existing masts or rooftop installations, new street masts are sometimes the only available option to provide this coverage. The proposed mast would be the lowest height at which 5G coverage can be provided.
8. In this case, the street scene is relatively free of visual clutter. The proposed development would cause harm to the character and appearance of the area as a result. However, the total footprint of the installation would be relatively compact with the three separate cabinets seen against the backdrop of the planting to their rear. The mast would be further seen in the context of the streetlamps along both sides of Shernhall Street. While it would be the tallest feature in the street scene, the benefits of the improvements to coverage would, in this instance, outweigh the harm that would result from the proposed development.

Conditions

9. I have had regard to the conditions suggested by the Council. However, telecommunications development granted under Schedule 2, Part 16, Class A of the GPDO is subject to conditions requiring that it be completed within 5 years of the application date, be completed in accordance with the submitted details, and once no longer required the installation must be removed as soon as reasonably practicable with the land restored to its condition before the development took place. The GPDO does not provide any specific authority for the imposition of conditions beyond those contained within it.

Conclusion

10. For the reasons set out above, the appeal succeeds.

M Chalk

INSPECTOR