



Appeal Decision

Site visit made on 12 July 2022 by S Witherley CIHCM MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2022

Appeal Ref: APP/W5780/W/21/3281503

Area of Footpath, Aldersbrook Road, London E11 3RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the Council of the London Borough of Redbridge.
 - The application Ref 2153/21, is dated 21 May 2021, was refused by notice dated 21 July 2021.
 - The development proposed is: The proposed 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.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. 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. The 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.
5. The Council referenced in its refusal reason the following policies and guidance; Policy LP25, LP26, LP33, LP34 and LP35 of the Redbridge Local Plan (2015-2030), and the National Planning Policy Framework. I have had regard to these only in so far as they are a material consideration relevant to matters of siting and appearance, including sections on well-designed places and supporting high quality communications.

Main Issue

6. The effect of the siting and appearance of the proposed installation on the character and appearance of the area and whether or not it would harm the setting of the Aldersbrook and Lake House Estate Conservation Area (CA) and nearby Green Belt. 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

7. The appeal site is located on a stretch of pavement that runs adjacent to the A116. It would sit in the foreground of a relatively modern residential estate. It would be aligned on the back of the pavement with a nearby street lighting column. Along this stretch of pavement there are trees located either side of the pavement. Wanstead Flats are located on the opposite side of Aldersbrook Road and the site is in a sensitive position on the transition between the built up area and the attractive, open and green character beyond.
8. The nearby trees and lamppost provide a vertical reference and would provide some backdrop to the proposed mast when viewed from some public areas, and when approached from either direction along the A116. This would mostly be the case when the trees are in full leaf and therefore giving the trees a much bulkier form and appearance. However, the prominence of the mast would be magnified when the branches were bare. Thus, the proposal would not be entirely screened when viewed from either direction along the A116 or other surrounding public areas.
9. In addition, the mast and trees would not be seen together in angled views from along Aldersbrook Road or from the internal and external areas of those residential units that overlook the appeal site, some of which are in very close proximity. Compared to the conventional scale of the nearby trees and street lighting columns, the proposal would stand out in the immediate locality because of its height and position.
10. The proposal including the antenna arrangement, would thereby introduce an excessively tall and bulky addition to the street scape appearing as an incongruous, obtrusive and visually dominant feature. Furthermore, the chunkiness of the pole would appear to be substantially thicker than the nearby vertical street furniture, further emphasising its jarring and incompatible prominence in the locality.
11. The applicant states the proposed monopole is the minimum height possible to ensure the antennas can operate above any clutter and I appreciate that this may be the case. I also appreciate that the proposal is an amendment to a previously refused scheme which sought a 20m monopole. Nevertheless, the mast in its proposed form would introduce an excessively tall and bulky feature in the street.
12. As such, the siting and appearance of the proposal would be obtrusive and visually dominant in the street scene. Hence its siting and appearance would cause harm to the character and appearance of the area. Even with the suggestions put forward by the appellant in relation to changing its colour finish, the proposal would create a harmful visual impact upon the character and appearance of the area.

13. The Council note that the site sits close to the boundary of the CA. I was provided with a copy of the Aldersbrook Conservation Area and Lake House Estate Appraisal (2020) (CAA). From what I have read and from what I saw at the time of my site visit, the significance of the CA is defined by the contribution of Edwardian two storey terraced, semi-detached, and occasionally detached buildings with architectural details drawn from a common design palette, shared across houses of a similar form and scale, and the setting of those houses within a green and verdant streetscape.
14. Neither party have submitted any substantive evidence in respect of the contribution that the setting makes to the significance of the CA. From my own observations, having regard to the siting of the proposed mast, the separation distances and the limited views taken directly from the CA over to the appeal site and vice versa, I consider that the harm I have identified above would not affect the significance of the nearby CA which would therefore be preserved.
15. The Council note the proposal sits near to the Green Belt and would adversely impact its character. However, as it would not sit within it, the Green Belt policies are not applicable. The proposal would not therefore impact on the open character of the Green Belt.
16. In conclusion, whilst the proposal, as a result of its siting and appearance would not harm the setting of the CA or conflict with Green Belt policies, it would, for the reasons set out above, harm the character and appearance of the area in which it is located.

Suitable alternatives

17. Paragraph 117 c) of the Framework expects evidence to be submitted showing that the possibility of erecting antennas on an existing building, mast or other structure has been explored. The appellant has investigated these options in a sequential manner and maintains that there are no more suitable alternative sites available.
18. The appellant notes the search area for a new mast is constrained geographically. They have provided details of 9 alternative locations that were discounted for a variety of reasons. However, I find this information contains minimal details and limited supporting information to fully corroborate that an exhaustive search of all possible sites was undertaken. The reasons for sites being discounted include narrow pavements and nearby trees overhanging both sides of the road, presence of residential driveways, trees and parking and that a site is located too far from the intended target area. If an on site assessment or survey had been undertaken before arriving at the 9 possible alternatives it is not clear why sites with narrow pavements or adjacent trees were selected as potential options if that is an obvious constraint. In other words, it is not clear how the suggested alternatives were arrived at or why other areas were discounted.
19. I find the level of detail for each alternative site is somewhat limited and the reasons for dismissing them lacks detailed justification. Furthermore no details have been provided which sets out details or the extent of the constraints. There is also a lack of consistency when comparing some of the alternative sites to the appeal site, which itself is located near to residential units, trees and would be located on what I consider to be a relatively narrow footpath. This, therefore, makes it difficult to understand how or why the choice of the

appeal site was arrived at. Hence, I am not satisfied that a robust review of alternative site options within the search area has been conducted.

20. On this basis, the evidence does not convincingly demonstrate that the appellant has properly explored all the potentially available alternative options. Consequently, on the evidence before me, I find that it has not been proven that less harmful alternative sites are not available.

Other Matters

21. A large number of representations were received, and I have had regard to the these. However, prior approval considerations are limited only to matters of siting and appearance and these have been addressed above. None of the other points raised would lead me to a different overall conclusion.
22. The effect of the Epping Forest Site of Special Scientific Interest (SSSI) has been raised in the representations. Given that the proposed mast would not be sited in the SSSI and due to the degree of separation, the siting of the mast would not affect any of the features of interest that led to the SSSI designation.
23. The appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

Balance

24. Prior approval considerations are limited only to matters of siting and appearance. Notwithstanding this, paragraph 114 of the Framework provides that, amongst other things, planning decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. The proposal would provide benefits through the upgrade to digital telecommunications in this area, allowing for additional coverage and capacity, including 5G technology in the locality. The wider benefits have effectively been recognised by the grant of planning permission under Article 3(1) of the GPDO and I have only had regard to them insofar as they relate to siting and appearance in the context of this case. These factors weigh in favour of the proposal.
25. Nevertheless, these factors along with the proposal not affecting the setting of the nearby CA or the Green Belt do not outweigh the significant harm found as a result of its siting and appearance on the character and appearance of the area. It has also not been proven that less harmful alternative sites are not available. Accordingly, the harm is not outweighed by the need for the installation to be sited in the proposed location.

Conclusion

26. Based on the evidence, it has not been demonstrated that the appeal site is the only viable solution with regards to supporting high quality communications. I conclude that the benefits of the installation in terms of an enhanced

telecommunications network as well as the locational needs of the operators would not outweigh the significant harm that I have identified as a result of its siting and appearance and the harm that would cause to the character and appearance of the area.

27. For the reasons given above and having had regard to all other matters raised, the proposal is unacceptable and prior approval should not be granted.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

28. I have considered all the submitted evidence and the Appeal Planning Officer's recommendation and, on that basis, agree that the appeal should be dismissed.

C Preston

INSPECTOR