



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: 12 October 2022

Appeal Ref: APP/D5120/W/21/3275953

Sidcup Sports Club, Sydney Road, Sidcup, DA14 6RA

- 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 MBNL (EE (UK) Ltd & H3G (UK) Ltd) against the decision of London Borough of Bexley.
 - The application Ref: 20/02461/GPDO8, dated 30 September 2020, was refused by notice dated 24 November 2020.
 - The development proposed is the removal and replacement of the existing floodlight tower with an 18 metre high slimline lattice tower supporting 6no. antenna apertures, 4no. 600mm dishes and relocated flood light, the installation of 8no. equipment cabinets and 1no. meter cabinet at ground level within a fenced compound, along with associated development ancillary thereto.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of an 18 metre high slimline lattice tower supporting 6no. antenna apertures, 4no. 600mm dishes and relocated flood light, the installation of 8no. equipment cabinets and 1no. meter cabinet at ground level within a fenced compound, along with associated development ancillary thereto at land at Sidcup Sports Club, Sydney Road, Sidcup, DA14 6RA in accordance with the terms of the application Ref: 20/02461/GPDO8, dated 30 September 2020, and the plans including:- 002 Site Location Drawing - 1549354_BEX097_77571_N/A_M003-B; 100 Existing Site Plan - 1549354_BEX097_77571_N/A_M003-B; 150 Existing Site Elevation - 1549354_BEX097_77571_N/A_M003-B; 215 Max Configuration Site Plan - 1549354_BEX097_77571_N/A_M003-B; 265 Max Configuration Elevation - 1549354_BEX097_77571_N/A_M003-B.

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.

3. Since the decision, the 2016 London Plan has been replaced by the London Plan 2021, adopted in March 2021. As such, I have determined the appeal before me with regards to this.

Planning Policy

4. 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 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

5. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area and the living conditions of neighbouring occupiers.

Reasons

Character and appearance

6. The appeal site comprises a small parcel of land positioned in between several sports pitches and an area for the parking of vehicles. It broadly lies within a strip of sloping land adjacent to the edge of the pitches where a number of mature trees of varying heights together with existing floodlighting columns of some 17 metres in height are positioned. An existing telecommunications installation of lattice construction with antenna and measuring some 18 metres in height lies within the same broadly linear arrangement of trees and floodlight columns.
7. Whilst the immediate area comprises a large open, green space in recreational use, the wider area is primarily residential. Dwellings are predominantly two-storeys in height albeit some include an additional storey of accommodation within their roof structure and other three storey dwellings are also present albeit further away from the site. The proposed development would be visible from these nearby dwellings and their rear gardens together with views by users and visitors whilst they were present at the sports facility.
8. The appeal scheme would see the removal of the existing floodlight tower and its replacement with a new slimline lattice tower containing several antenna apertures, transmission dishes together with a number of replacement floodlights. At some 18 metres in height the proposed development would be taller than the majority of nearby trees and buildings and similar floodlight structures nearby. However, a projection exceeding the vertical structure to be replaced of approximately 1 metre would be a marginal difference in height.
9. The proposed lattice tower would include a thick profile and include a number of antenna, dishes and floodlights which would give a top heavy appearance, however, even when taken in combination with the additional height the proposed installation would not appear unduly noticeable given the proliferation of other vertical features nearby, the majority of which also include some bulky additions towards the top of their structures, such as floodlights, and by reason of their height they are visible in views from many public and private vantage points. As such, whilst the appeal scheme would be prominent, it would relate

well to the existing vertical structures and would not appear as an unduly intrusive nor discordant feature against the skyline.

10. The provision of several equipment cabinets and units within a gated compound including fencing of some 2 metres in height would add visual clutter at ground floor level. However, by reason of its proposed siting with a sloping grass bank to its rear, this would assist to mitigate its appearance and reduce the visual prominence when viewed from neighbouring properties along Sydney Road and Stirling Close. The topography of the land would reduce visibility of the base compound from wider views across the sports pitches and overall, I consider that the visual impact of the scheme would not be unduly harmful.
11. Overall, I consider that the design and siting of the proposed development would sufficiently mitigate the visual impact of the appeal scheme when viewed in any direction. Albeit the appeal scheme would change the aspect of the area, this would not be of a nature or to a degree which would cause unacceptable visual harm.

Living conditions

12. By reason of its height and form the proposed development would be visible from neighbouring dwellings and their gardens and would form a considerable part of their outlook, particularly for those dwellings fronting Sydney Road in close proximity to the site. However, the proposed installation would replace an existing vertical feature of a similar height and, moreover, whilst it would be more noticeable, a change to the outlook of neighbouring occupants is not necessarily a harmful one.
13. In this instance, the proposed development would be set a distance away from those dwellings and be read alongside existing vertical structures of a similar height. Consequently, I find that the appeal scheme would not appear so overwhelming, dominant or unattractive so as to cause the nearby properties to be unattractive places to live nor unduly compromise the living conditions of the occupants of neighbouring dwellings.

Conclusion on these main issues

14. The Framework advises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and that decisions should support the expansion and enhancement of electronic communications networks, including mobile technology such as 5G. Insofar as these objectives are met by the proposal and the installation would provide continuity of service for existing users, the social and economic benefits to the public are clearly achieved.
15. Furthermore, the submitted evidence demonstrates that there are technical constraints which determine the siting and appearance of the proposed development and I therefore see no reason to doubt that the proposed installation would be the minimum height required to achieve adequate network coverage. The Framework states that the need for electronic communication systems should not be considered.
16. For these reasons, I consider that the siting and appearance of the development would not harm the character and appearance of the area. Insofar as they are relevant to the matters before me, the appeal scheme

would accord with Policies CS01 and CS17 of the Bexley Core Strategy (2012), Policies H9, ENV39 and ENV45 of the Bexley Unitary Development Plan (2004) and Policy SI6 of The London Plan (2021). Among other things, these policies require high quality development that minimises any adverse effects on the character or visual amenity of an area and protects green infrastructure. In addition, it would accord with the aims of the Framework insofar as it seeks to support advanced, high quality and reliable communications infrastructure.

Other Matters

17. I have had regard to, and share the view, that the siting and appearance of the proposed development would have a neutral impact on highway safety.
18. I have had regard to the comments of a number of interested parties, several of which refer to the main issue above. In addition, concerns have been raised by local residents about the potential effect on health due to the proximity of nearby residential properties. However, the appellant has provided a declaration to certify that the proposal has been designed to conform 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.

Conditions

19. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

E Brownless

INSPECTOR