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# Appeal Decision

Site visit made on 23 August 2022

**by N Praine BSc (Hons) MA MRTPI**

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

**Decision date: 19 OCTOBER 2022**

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**Appeal Ref: APP/E5330/W/22/3290665**

**Nightingale Place, Greenwich, London SE18 4HD**

- 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 appeal is made by CK Hutchison Networks (UK) Ltd against the decision of the Royal Borough of Greenwich.
  - The application Ref 21/4172/T3, dated 16 November 2021, was refused by notice dated 22 December 2021.
  - The development proposed is described as a 16.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the Order), 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.

## Planning Policy

3. Part 16 of the Order establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
4. Nevertheless, Policies DH1, DH3, DH(c), DH(h) and DH(i) of the Royal Greenwich Local Plan Core Strategy 2014 (the Core Strategy) and Policies HC1, D3 and D8 of the London Plan 2021 are material considerations as they relate to issues of siting and appearance. In particular, they seek to ensure developments provide a positive relationship between the proposed and existing urban context. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration, and this includes a section on supporting high quality communications.

## **Main Issue**

5. The main issue in this appeal is therefore the effect of the proposed development on the character and appearance of the area, with particular reference to the nearby Woolwich Common Conservation Area and Grade II listed building Government House, and if any harm is identified whether that harm would be outweighed by the need to site the installation in the location proposed.

## **Reasons**

6. The appeal site forms part of the pavement which runs alongside Nightingale Place. The immediate area is primarily residential with a mix of buildings. Street furniture such as streetlights, a bus stop and highway signage also feature in the local area.
7. The proposed development would include the erection of a monopole with associated cabinets. The proposed drawings show that the top of the monopole would measure 16 metres from ground level and would also be set back from the highway aligned with the existing bus stop.
8. The appeal site is located close to the Woolwich Common Conservation Area (the conservation area), the significance of which is largely derived from its historic military buildings of architectural interest set within an area of ancient Common Land.
9. In addition to the conservation area, the appeal site lies close to a Grade II listed 3 storey building, Government House. The Historic England official listing describes Government House as dating from the early 1800s. It is of yellow brick with stuccoed porch and string course. The original main entrance survives behind the porch and there are also 2 and 3-storey mid C19 extensions to the building. Government House provides historic townscape value to the street scene and also contributes toward the significance of the conservation area.
10. The monopole would be noticeable from views into and out of the conservation area and in the setting of the listed building. The proposed drawings show it would be taller than existing street furniture, lighting poles, signs and the 2 - 3 storey buildings. While there are some trees and vegetation within the surrounding area this would not be sufficient to substantially screen the development.
11. Given its location, appearance and height, the proposed development would be highly visible against its backdrop and the skyline, visually competing with and distracting from important views into and out of the conservation area and the setting of the listed building. I find that the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area and the proposed development would also unacceptably harm the setting of a listed building.
12. The harm I have identified would be less than substantial and in terms of the approach set out in the Framework at paragraph 202, where a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. Additionally, paragraph 199 of the

Framework advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 200 goes on to state that significance can be harmed or lost through development within its setting, and such harm should have clear and convincing justification.

13. Paragraph 114 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology.
14. The importance of digital connectivity is further underlined by the Future Telecoms Infrastructure Review 2018 and the Framework at paragraph 118 indicates that the need for electronic communication systems should not be questioned when determining applications.
15. The appellant's rationale explains that the proposed development is necessary as existing connectivity in the area is extremely constrained and does not meet demand. The appellant has applied a sequential approach and discounted options for site sharing and alternative sites within the demand area.
16. I recognise the importance of good, fast, reliable, and cost-effective communications. Moreover, there is no question that the equipment is required to achieve the necessary standard of network coverage, or that the mast's dimensions are the minimum possible. Weight has been attached to all these matters. I have also balanced the proposal against the public benefits that would ensue, and I fully appreciate the significance of the telecommunication industry in its role to grow the economy. The evidence presented together with the justifications put forward by the appellant, have all been given due regard in my assessment. However, despite the evidence presented, heritage assets such as listed buildings and conservation areas are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
17. In addition, and notwithstanding that a sequential approach has been followed and that alternative sites have been considered and discounted, the submitted evidence in this regard is limited. I am not satisfied that it adequately or conclusively demonstrates that a less harmful alternative site, which would secure the same public benefits, is not available.
18. To conclude on this main issue, I find that the great weight I attach to the identified harm would not be outweighed by the weight I attach to the benefits of the proposal, including the need to site the installation in the location proposed having regard to the potential availability of alternative sites. Therefore, there is no clear and convincing justification for the harm.

### **Other matters**

19. There is nothing to suggest that the ancillary cabinets proposed as part of the proposal would still be erected at the site. As such, any element that may be considered as permitted development does not represent an appropriate reason to find in favour of the proposal before me.

## **Conclusion**

20. Accordingly, for the reasons given above, I conclude that the appeal should be dismissed.

*N Praine*

INSPECTOR