



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: 24th October 2022

Appeal Ref: APP/W5780/W/21/3276945

Longbridge Road, Barking IG11 9DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Hutchinson UK Ltd against the decision of London Borough of Redbridge Council.
 - The application Ref 1656/21, dated 9 April 2021, was refused by notice dated 4 June 2021.
 - The development proposed is 15m Phase 8 Monopole c/w wrapround cabinet at base and associated ancillary works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), 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. 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 had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.
4. The appellant suggests 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

5. 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.
6. The main issues are the effect of the siting and appearance of the proposed development on the character and appearance of the area, including trees, and highway safety, 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

Character and Appearance

7. Longbridge Road is a wide carriageway lined by mature trees set within generous grass verges. Both sides of Longbridge Road are bound by long blocks of flats rising to three storeys high with a flat roof, which are set back from the road, behind low boundary walls and areas of soft landscaping. Together these attributes create a spacious and verdant character. Longbridge Road is, however, a wide and busy carriageway. There is much paraphernalia associated with the road close to the appeal site, including a speed camera, signage and traffic lights and barriers associated with the nearby pedestrian crossing. There are also tall street lights at regular intervals on both sides of the road.
8. Through being located close to the junctions with Malvern Drive and Sudbury Road, the proposed development would be located close to a break in the line of regularly spaced trees, where it would be more exposed in localised views as a result. Despite this, in light of the abundance of street furniture and features associated with the main carriageway, and their verticality, the proposed development would read as part of the paraphernalia which lines this busy route. Therefore, I do not consider it would appear unacceptably incongruous or prominent in these surroundings.
9. While the mast would be notably taller than the tree canopies, this would be most evident in views close to the equipment and the other trees on the street would provide a significant degree of screening in longer views when travelling along Longbridge Road.
10. Views of the proposed development would inevitably occur from the multiple windows and balconies which face onto Longbridge Road. However, for the reasons above, I do not consider that there would be unacceptable harm to these views, given the particular site specific characteristics here.
11. The trees and their substantial canopies, which overhang the road and footpaths, make an important contribution to the character and appearance of the area. While the proposed mast would be the furthest of the proposed equipment from the nearest tree, based on my site visit and the supporting plans, some of the ground level cabinets would be likely to sit beneath the tree canopy.
12. The appellant states that works would be undertaken in accordance with the relevant British Standard relating to trees and development¹ and that the site avoids the root protection areas (RPA's) of the trees. However, these assertions are not evidenced. Based on the evidence, given the size of the trunk of the nearest tree and its proximity of the nearest proposed cabinets, it has not been satisfactorily demonstrated that the development proposed would not cause the loss of, or damage to, that tree, which in turn could cause unacceptable harm to the character and appearance of the area.

¹ BS 5837:2012 Trees in Relation to Design, Demolition and Construction

13. For the reasons given I find that the potential harm to the nearest tree would harm the character and appearance of the area and that the siting and appearance of the proposed development in respect of this main issue would be unacceptable. The proposal would therefore fail to comply with Policies LP26 and LP38 of the Redbridge Local Plan 2015- 2030, adopted March 2018 (the LP) which relate to design and require, among other things, that development respects local character as well as protecting existing trees. I do not find conflict with Policy LP27 of the LP which relates to the assessment of tall buildings.

Highway Safety

14. The proposed development would be located close to the junction of Malvern Drive, which joins Longbridge Road from the north. At the point of this junction Longbridge Road includes cycle lanes to both sides of the carriageway, as well as a central filter lane for vehicles turning right onto both Malvern Drive and Sudbury Road. In combination these factors require particular care to be taken by drivers using this part of the road.
15. By reason of their positioning and height, the proposed ground level cabinets, including that at the base of the mast, could cause obstruction to the visibility of drivers emerging from Malvern Drive when looking west towards oncoming traffic.
16. The appellant has provided an annotated aerial photograph to demonstrate the visibility splay to the west of the Malvern Drive junction. This is not a scaled drawing and the image shows the visibility splay taken to the centre of the eastbound lane, rather than to the nearside kerb or the nearside edge of a vehicle track. Justification for this approach has not been provided. Therefore it has not been satisfactorily demonstrated that the proposal would not restrict visibility, which could result in drivers having to creep forward into the line of oncoming traffic to ensure they have adequate visibility to exit the junction.
17. Therefore, in the absence of substantive evidence to the contrary, the proposal would cause harm to highway safety. I do not find conflict with Policy LP22 of the LP which relates to promotion of sustainable transport. However, this does not alter my judgement that the siting in terms of the impact on the highway would be unacceptable.

Alternative Sites

18. The proposed development would facilitate 5G coverage. The Cell Search Area Map suggests this is not an area of existing coverage deficiency but that the nearest cells are currently operating at full capacity. The appellant states that this gives rise to the need for additional telecommunications infrastructure to carry the demand burden. This is not disputed by the Council and I have no reason to disagree with the appellant's assertions on this matter. The map showing the discounted site options demonstrates the extent of the appellant's search area. Overall, I am satisfied that the appellant has demonstrated that there is an identified need for the proposed development to be located somewhere within the search area. However, as described above, based on the evidence before me, I have found that the proposed siting of the development would cause harm to highway safety and to the nearest mature tree.
19. Paragraph 117 of the National Planning Policy Framework (the Framework) requires that, for a new mast, evidence be provided that the appellant has

explored the possibility of erecting antennas on an existing building, mast or other structure. The appellant has listed other alternative sites in the search area. However, it is not specified whether these alternatives involve new sites or the use of existing buildings and structures and I cannot be satisfied that the objectives of paragraph 117 of the Framework have been met. 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. The reasons given why these alternative sites were discounted include proximity to a sensitive location, proximity to residential properties and insufficient space. However, the reasons are not substantiated and lack any further information to demonstrate why these factors would result in those locations being more harmful than that now proposed. I note that no reasonable alternative locations have been put forward by the Council or third parties. However, for the reasons given I am not satisfied, based on the evidence, that the appeal scheme represents the least harmful option.
21. In summary, the development proposed would cause harm to highway safety and to the character and appearance of the area, 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

22. 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.
23. I note that an earlier application for prior approval was refused by the Council for a taller mast on the appeal site². While the mast has been reduced in height, this does not provide reason to alter my judgement in respect of the above main issues where I have found harm.

Conclusion

24. For the reasons given above, I conclude that the appeal should be dismissed.

C Shearing

INSPECTOR

² Ref 1813/20