



Appeal Decision

Site visit made on 10 October 2022

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2022

Appeal Ref: APP/G5180/W/21/3279773

Springfield Road, Anerley, Penge, London SE26 6HG

- 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 Hutchison UK Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/21/01637/TELCOM, dated 28 March 2021, was refused by notice dated 25 May 2021.
 - The development proposed is a 15m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A prior approval appeal should not be determined, expressly or otherwise, on the basis of s38(6) of the Planning and Compulsory Purchase Act 2004 or as though the development plan must be applied. The principle of development is established through the grant of permission by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
3. The provisions of 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 this basis.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed development on the character and appearance of the area 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 alternative locations.

Reasons

5. The appeal site is located in the footway on the eastern side of Springfield Road, next to Sydenham Tennis Club. The tennis club occupies much of the land between Springfield Road, Lawrie Park Road to the east and Lawrie Park Crescent to the north. A children's nursery is located to the south of the tennis club, at the junction of Springfield Road and Lawrie Park Road, with a Hospice

located on the eastern side of Lawrie Park Road, nearby. On the western side of Springfield Road are various residential properties, which are also prevalent on nearby streets, giving the area a mixed character.

6. Springfield Road itself is broad, easily accommodating on-street car parking on both sides, whilst allowing for two-way vehicle movements along the carriageway. Whilst the appeal site is reasonably level, the terrain of the area does slope downwards in a generally north to south direction, and this is particularly noticeable towards the southern end of Springfield Road.
7. Many of the properties contain mature and semi-mature hedges and trees, including the tennis club and the residential properties on the western side of Springfield Road. There are some lampposts and a telegraph pole along the western side of Springfield Road in the vicinity of the appeal site, which are smaller than the nearby trees.
8. The appeal development would be a 15 metre high telecommunications mast including a 'wrap-around' cabinet at its base, together with three separate ancillary equipment cabinets to the north.
9. The appeal development would be positioned on the footpath by a hedge on the western boundary of the tennis club and near to a pedestrian entrance. The entrance is characterised by a grassed area and chain-linked fences, making it visually open and allowing for views across the tennis courts. There are various lighting columns, some five metres in height serving the tennis courts. To the south of the pedestrian entrance are some small trees and large bushes some four or five metres in height, which screen a building within the tennis club grounds.
10. The size and design of the proposed mast and equipment cabinets are largely a consequence of their 5G telecommunications function. The height of the proposed mast has been reduced by some 3 metres from the previous application¹, which was refused prior approval on 28 September 2020. The scale, massing, design and siting of the three associated equipment cabinets close to the tennis club hedge would limit their visual prominence in the streetscene.
11. However, at 15 metres high the mast itself would still be a highly prominent and visually incongruous structure, some five or six times taller than the tennis club hedge and some three times taller than the tennis club lighting columns.
12. On the eastern side of the street there is nothing of a similar height to the proposed mast to the north until near the junction with Lawrie Park Crescent. A shorter distance to the south are some tall pine trees, but the sloping terrain does lower their height relative to the appeal site.
13. The scale, massing and position of the proposed development would also mean the proposal would be visible across the tennis club from Lawrie Park Crescent and Lawrie Park Road, although the mature trees on the western side of Springfield Road would provide a visual backdrop and mitigate this visual harm to an extent.
14. The mature and semi-mature trees along Springfield Road would also serve to screen the proposed mast in some views from the south and from the north.

¹ LPA Ref. DC/20/02729/TELCOM

Whilst some of these trees are evergreen, most are not and the screening would therefore be significantly reduced in late autumn, winter and early spring. In any event, the mast would be readily visible and an incongruous feature in the streetscene for substantial parts of Springfield Road.

15. From the evidence the appellant has followed a sequential approach to site selection and various alternative sites nearby have been considered and rejected. I also note that a considerable number of alternative locations have been identified by interested parties, including several existing structures within Crystal Palace Park, or the roof of the former telephone exchange building on Crystal Palace Park Road.
16. Whilst I do not know whether these or other suggested locations would be suitable, with reference to the photograph at *Figure 5: Discounted Options* in the appellant's statement of case, some would seem to be compatible with the Designated Search Area.
17. Although not part of my determination, I note that in so far as it relates to the matters contained under relevant parts of Schedule 2, Part 16, Class A of the GPDO, the proposal would conflict with Policies 37 (general design) and 89 (telecommunications) of the Bromley Local Plan 2019, and with the National Planning Policy Framework 2021 (the Framework).
18. For these reasons the siting and appearance of the proposed development would cause unacceptable harm to the character and appearance of the area and I am not satisfied that the need for the installation to be sited as proposed has been demonstrated, taking into account potentially suitable alternative sites.

Other Matters

19. Reference has been made to various social, economic and environmental benefits but these have not been taken into account in considering the matters of siting and appearance.
20. The appellant has submitted a declaration of conformity with the public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP). Concerns have been raised about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the 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. I have determined this appeal with regard to matters of siting and appearance only.

Conclusion

21. For the reasons given above, and taking into account all relevant matters, I conclude the appeal is dismissed.

A Parkin

INSPECTOR