



Appeal Decision

Site visit made on 26 July 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2022

Appeal Ref: APP/G5750/W/21/3280472

**Footway at junction of Whitta Road and Forest Drive, London E12 5DA
(National Grid Reference: Easting 541983, Northing 185762)**

- 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 Hutchison 3G (UK) Limited against the decision of the Council of the London Borough of Newham.
 - The application Ref 21/00868/PRETEL, dated 9 April 2021, was refused by notice dated 16 June 2021.
 - The development proposed is the erection of a 15-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 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 a 15-metre-high Phase 8 telecommunications pole with built-in cabinet, 3no. separate cabinets and ancillary works at Footway at junction of Whitta Road and Forest Drive, London E12 5DA (National Grid Reference: Easting 541983, Northing 185762) in accordance with the terms of the application Ref 21/00868/PRETEL, dated 9 April 2021, and the plans submitted with it.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (hereafter "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 Council's decision notice cited conflict with a large number of development plan policies. However, the provisions of the GPDO do not require regard be had to the development plan in this case. I have therefore had regard to the policies and related guidance of the development plan and the National Planning Policy Framework ("the Framework") only in so far as they are material considerations relevant to matters of siting and appearance.

4. The Government published a revised version of the Framework on 20 July 2021, replacing the previous February 2019 version. While this was after the Council had determined the planning application, it was before the appeal was lodged, and the appeal submissions were made in the light of the revised Framework.
5. The address of the appeal site was given on both the application form and appeal form as "Area of Footpath, Whitta Road", although the proposed installation would be better described as being on Forest Drive. In its officer report and on the decision notice the Council referred to the site address as being at the junction of the two streets, and for accuracy I have done the same here. I have also included the National Grid reference taken from the application form.

Main Issue

6. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area.

Reasons

7. The appeal site is part of the footway of Forest Drive, very close to its junction with Whitta Road. Immediately to the north-west is a group of three-storey blocks of flats set behind a private landscaped forecourt; the block at 1-3 Forest Drive is closest to the proposed development at a distance of around 15m. Across Forest Drive to the north-east is Manor Park, an open grassland which forms part of Epping Forest. Forest View Road forms the southern boundary of Manor Park; it has housing on the south side, and joins Forest Drive opposite the appeal site. Immediately across Whitta Road, south of the appeal site, is Manor Park railway station; at this point Forest Drive becomes Station Road, and the area becomes much more densely built up, predominantly with terraced streets of housing and shops.
8. The area around the appeal site therefore marks something of a transition from the open spaciousness created by Manor Park itself (and, north of Capel Road, the fringes of Wanstead Flats) to the more heavily built-up area around and to the south of Manor Park station. Nevertheless, the surroundings are essentially urban (or at least suburban) in character; they include a variety of street furniture which would typically be expected in such a location, including bus shelters, rubbish bins, road signs and street lighting columns.
9. The proposed development is the installation of a 15m high monopole with built in cabinet, along with three further separate equipment cabinets; the application states that the mast and cabinets would be painted black. These would be set at the back of the footway, immediately alongside two mature deciduous trees. The mast would be taller than any of the other nearby street furniture, and indeed the nearest buildings. However, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being, and telecommunications installations similar to that proposed are not unusual features in urban areas. In this context, the proposed development would be unlikely to be widely-perceived as an alien or unusual feature in this part of London.
10. The mast would be a similar height to the two adjoining mature trees which, when in leaf, would provide some screening (when viewed from the south) or

act as a backdrop (when seen from the north); they would prevent the mast being dominant or harmfully intrusive when seen in public views along Forest Drive and Station Road. Although it is not as tall as the two street trees, another mature tree within the grounds of the adjoining flats would provide some visual screening of the mast from within 1-3 Forest Drive. The black painted finish of the mast and cabinets would be similar to that of other street furniture nearby. Together, these factors would ensure that the proposed development would not be unacceptably prominent, discordant or visually intrusive.

11. I therefore conclude that the siting and appearance of the proposed installation would not cause unacceptable harm to the character and appearance of the area. Insofar as the policies of the development plan which seek to protect or enhance the character and appearance of the area are relevant to matters of siting and appearance in this case, I find no conflict with Policies D1, D3, D4 and SI6 of the London Plan 2021, nor with Policies S1, S6, SP1, SP3, SP7 and SP9 of the 2018 Newham Local Plan. The proposal also complies with the requirements of the Framework, notably Chapter 10 which seeks to support high quality communications, and Chapter 12 which seeks to achieve well-designed places.

Conditions

12. Planning permission granted under Article 3(1) and Schedule 2, Part 16, Class A of the GPDO 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

13. For the reasons set out above, I conclude that the appeal should be allowed, and prior approval should be granted.

M Cryan

Inspector