



Appeal Decision

Site visit made on 18 October 2022

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2022

Appeal Ref: APP/D5120/W/22/3299271

Land adjacent to Crook Log, Bexley, DA6 8EG

Grid Ref Easting: 547811, Grid Ref Northing 175531

- 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 & Country (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Hutchison 3G (UK) Limited against the decision of the London Borough of Bexley Council.
 - The application Ref 21/03628/GPDO8, dated 2 December 2021, was refused by notice dated 28 January 2022.
 - The development proposed is the installation of a 16 metre high monopole tower, associated radio-equipment cabinets and ancillary development hitherto.
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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 16 metre high monopole tower, associated radio-equipment cabinets and ancillary development at Land adjacent to Crook Log, Bexley, DA6 8EG in accordance with the application ref: 21/03628/GPDO8, dated 2 December 2021, and the plans submitted with it including drawing Nos BEX20097 002 Site Location Plan; BEX20097 100 Existing Site Plan; BEX20097 150 Existing Site Elevation; BEX20097 215 Proposed Site Plan; BEX20097 265 Proposed Site Elevation.

Procedural Matters

2. The Council has referred to a number of development plan policies in its decision notice. However, the principle of development is established by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GDPO) and the provisions of Schedule 2, Part 16, Class A of the GDPO do not require regard be had to the development plan. I have, therefore, had regard to the policies of the development plan only in so far as they are a material consideration relevant to the matters of siting and appearance.

Main Issue

3. The main issue is the effect of the siting and appearance of the proposal upon the character and appearance of the area.

Reasons

4. The proposal is for the installation of a 16 metre monopole with wraparound cabinet at the base and three additional equipment cabinets and ancillary works. It would be located on the grass verge which separates Crook Log, a short section of the A207 distributor road, from Langmore Court.
5. Crook Log is a wide highway with frequent traffic movements. It consists predominantly of residential buildings that vary in scale between 2-storey houses and 4-storey residential blocks. The appeal sites immediate context includes Langmore Court, a 3-storey residential block and a 2-storey Toby Carvery restaurant on the opposite side of the A207. Adjacent to the restaurant is Talehangers Close which consists of 2, 3 and 4 storey residential blocks. Further along Crook Log on the opposite side of Brampton Road is Crook Log Leisure Centre.
6. Langmore Court and the Leisure Centre are set back from the highway with large grass verges surrounding them, which in combination with other soft front boundary treatments and regular street trees on both sides of the highway, creates an open and green character. In addition, along both sides of Crook Log there are regular lamp posts that, together with the street trees, provide a vertical element and rhythm to the street scene.
7. The mast would be positioned between two existing trees, which I understand to be between 11-12 metres tall, and close to an existing lamp post. The equipment cabinets would be positioned adjacent. While, at 16 metres tall, the mast would be taller than the trees and lamp post, its vertical form would be in keeping with these other vertical features. It would also appear comparable in height to the larger 4-storey buildings that are nearby and, therefore, would not appear out of scale with the surrounding area. Furthermore, I appreciate that 16 metres is the lowest mast possible for the improved 5G service need identified in the area.
8. Although the amount of street furniture in this location is limited, I saw that there are existing equipment cabinets close to the appeal site. Given the modest size of these cabinets compared to the large expanse of grass verge, they do not affect the open character of the area. Although the group of cabinets proposed would together be larger than any of the existing cabinets, they would be positioned on the edge of the verge close to the inner edge of the pavement in line with the street trees. Therefore, while the cabinets would physically affect the openness by filling some of the existing space, visually, the large expanse of the grass verge and open character of the area would be maintained. In addition, both the mast and equipment cabinets would be green which would help them to integrate with their surroundings.
9. To identify the site, the appellant undertook a sequential approach in line with paragraph 115 of the National Planning Policy Framework 2021 (the Framework). Eleven alternative sites were identified, assessed, and discounted for a variety of reasons that the Council consider reasonable. The Council has concerns that the assessment is brief. However, it is proportionate to the small intended cell/target areas associated with the 5G network.
10. Notwithstanding this, whether or not there are other alternative sites available, the proposal would not be visually harmful or a discordant feature, when viewed from the public realm or neighbouring properties, thus it would not

harm the character and appearance of the area. It would accord with policies ENV39 and ENV45 of the London Borough of Bexley Unitary Development Plan (2004), and policy CS01 of the Bexley Core Strategy (2012). These seek to protect the quality of the built environment by, amongst other things, ensuring development is compatible with the character of the surrounding area. It would also accord with the aims of Chapter 10 of the Framework to support high-quality communications. Consequently, I find the siting and appearance of the proposal would be acceptable.

Other Matters

11. Third parties have raised concerns regarding the compliance declaration submitted as part of the planning application. The appellant, in line with paragraph 117 of the Framework, has now, as part of the appeal process, provided a declaration that the proposed equipment and installation is designed to be in full compliance with the radio frequency public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection. Paragraph 118 of the Framework makes it clear that decision makers should not set health safeguards different from these guidelines.

Conditions

12. Any planning permission granted for 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, begin not later than 5 years from the date on which the local planning authority received the application, and be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to the condition before the development took place.

Conclusion

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

Hannah Guest

INSPECTOR