



Appeal Decision

Site visit made on 1 November 2022

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 NOVEMBER 2022

Appeal Ref: APP/Z5060/W/21/3288052

Rainham Road North, Becontree Heath, London, RM10 7JE

- 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 Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of the Council for the London Borough of Barking and Dagenham.
 - The application Ref 21/01729/PRICOM, dated 12 September 2021, was refused by notice dated 4 November 2021.
 - The development proposed is described as "Proposed 20.0m 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. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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 2015 and the provisions of Schedule 2, Part 16, Class A do not require regard to be had to the development plan. Whilst I have had regard to the policies of the Barking and Dagenham Borough Wide Development Policies Development Plan Document, adopted March 2011 (DPD), the Barking and Dagenham Core Strategy, adopted July 2010 (CS), the London Plan, March 2021 (LP) and the National Planning Policy Framework 2021 (the Framework), this is only where they are a material consideration relevant to matters of siting and appearance.
4. The Council refer to the emerging Draft Local Plan (Regulation 19 Consultation version, September 2020). The Examination has concluded, and the Council are awaiting the Inspector's report. However, I have little information to suggest when the plan is likely to be adopted, if any policies have been modified, or if there are any unresolved objections. Accordingly, I attribute limited weight to the Draft Local Plan (DLP).

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed telecommunications equipment upon the character and appearance of the area, with specific regard to height, size, scale and siting; 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

6. The appeal site is situated in a prominent and exposed area, consisting of a small green verge, with an existing street-lighting column, approximately 10.3m in height, and a small street tree on the southern side of Rainham Road North, close to the junction with Stour Road in Dagenham. The surrounding area is mixed with several commercial, offices, retail and residential units located in close proximity to one another, albeit on spatial plots. These vary in height, scale, mass and design providing a varied appearance to the built environment. Nevertheless, there is a relatively open and spacious feel to the area, particularly given the proximity to Central Park (Dagenham).
7. The proposed telecommunications equipment comprises a 5G monopole that would stand 20m high with associated antennas and dishes, along with three cabinets at ground level. Due to the girth of the pole, it would appear heavy-set in comparison to the existing slender street light columns, and coupled with the antennas attached to the proposal, this would provide a top-heavy appearance setting it apart from the lighting columns and other street furniture in the area.
8. Given the relatively open nature of the site and the prominent position in the surrounding area, the monopole would also be appreciably higher than the existing lamp posts and would project above the general tree line of Central Park to the east of the site. As such, I am in no doubt that it would be seen by pedestrians and road users and would appear highly visible in views along Rainham Road North and the wider area. Given this exposed position, it would therefore be visually intrusive and prominent from numerous public vantage points, increasing visual clutter.
9. I acknowledge that the positioning of the monopole has been set amongst other tall and more substantial developments, including the Coventry University buildings and the residential units at Saddler House. Nevertheless, the overly prominent appearance and location of the equipment would be out of keeping with the street-scene, providing visual intrusion to the detriment of the surrounding character and appearance.

Suitable alternatives

10. The appellant has provided details of its sequential approach to site selection. This includes other nearby street locations which were considered and discounted. However, the extent and detail of the evidence provided is very brief. All the discounted sites (D1 – D8) have been discounted due to the proximity to residential properties, although the appeal site has been selected despite being in close proximity to the high-rise residential units in Saddler House.

11. Furthermore, there are no substantive details why other areas of land such as the land to the north of Frizland Lane Depot further along Rainham Road North, or areas to the north of the appeal site were not considered and discounted. These could have allowed greater distance from residential properties. Given the sparse level of detail for these discounted sites and the subsequent lack of detailed justification and consistency it is difficult to understand how or why the choice of the appeal site was arrived at. As such, I am not satisfied that a robust review of possible site options within the search area has been conducted.
12. In this regard, I consider that the search and assessment of alternative sites is not sufficiently robust. Consequently, I am not satisfied that the harm I have identified is outweighed by the need for the installation to be sited as proposed.
13. The government is committed to supporting the deployment of next-generation mobile infrastructure. This is generally reflected in the Framework. As such, although I acknowledge the references made to various social and economic benefits, they have not been taken into account in considering matters of siting and appearance.

Other matters

14. Concerns have been raised by interested parties about the 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 International Commission on Non-Ionizing Radiation Protection (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.

Planning Balance

15. Paragraph 114 of the Framework provides that, amongst other things, planning decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. The proposal would provide benefits through the upgrade to digital telecommunications in this area, allowing for additional coverage and capacity, including 5G technology in the locality. The wider benefits have effectively been recognised by the grant of planning permission under Article 3(1) of the GPDO and I have only had regard to them insofar as they relate to the siting and appearance in the context of this case. These factors weigh in favour of the proposal.
16. However, a balance should be struck between visual impact and the need for the proposal to be sited in the proposed location. The proposal would cause harm to the character and appearance of the area as a result of its siting and appearance. It has also not been proven that less harmful alternative sites are not available. Based on the evidence before me, it has not been demonstrated that the appeal site is the only viable solution with regards to supporting high quality communications. As such, I do not consider that the harm to the character and appearance of the area that I have identified is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Conclusion

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

Robert Naylor

INSPECTOR