



Appeal Decision

Site visit made on 8 November 2022

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 NOVEMBER 2022

Appeal Ref: APP/B5480/W/22/3291538

Wingletye Lane, Hornchurch, RM11 3AR

- 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 MBNL against the decision of the Council for the London Borough of Havering.
 - The application Ref M0020.21, dated 3 November 2021, was refused by notice dated 17 January 2022.
 - The development proposed is described as "Proposed 20.0m Phase 7 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 Havering Local Plan 2016-2031, adopted November 2021 (HLP), 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.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposed telecommunications equipment upon 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 alternatives.

Reasons

Character and appearance

5. The appeal site is located on a prominent corner at the junction of Wingletye Lane and Lee Gardens Avenue in Hornchurch. The site consists of a modest piece of open green space, which includes street trees, utility cabinets, a bus stop and street light columns. The surrounding area is mainly low-density residential dwellings, and there is an existing telecommunications pole and associated equipment located on Wingletye Lane approximately 130m southwest of the site.
6. The appellant highlights the benefits of upgrading the existing telecommunications apparatus with the new 5G system, and highlights that should the appeal succeed, the existing apparatus would be decommissioned and removed from site. As such, I do not accept the Councils assertion that there would be a proliferation of equipment in the area.
7. However, at 20m in height the proposal would be significantly higher than the existing street furniture including street light columns and would therefore fail to minimise visual impact upon the street scene. Whilst the monopole would be vertical, like the street lights, it would appear heavy-set in comparison to the slender street light columns given its overall thickness. Coupled with the antennas attached to the proposal, this would provide a top-heavy appearance significantly setting it apart from the lighting columns in the area.
8. The appellant states that the appeal site was chosen as it benefits from ample screening provided by trees and shrubs and would blend in with the existing street furniture. From my site observations, I found the site relatively open, and whilst it is acknowledged that there are street trees and other street furnishings in the immediate area, I am not convinced that these would adequately screen the proposal.
9. The appellant draws my attention to a prior approval¹ issued for a 20m monopole and associated apparatus at the existing site, stating that the presence of 5G telecommunication infrastructure has therefore been established in the area and as such would not appear alien. In issuing this prior approval, the Council found the proposal appropriate, given the position in an area with an established monopole, away from residential properties and amongst dense vegetation providing screening. Whilst it is acknowledged the schemes are close to one another, they are not directly comparable given the aforementioned lack of screening at the appeal site, its closer proximity to residential dwellings and prominent and open nature. As such, this scheme would fail to be sympathetically designed, providing visual intrusion to the detriment of the surrounding character and appearance.

Suitable alternatives

10. The appellant has not provided details of its sequential approach to site selection, and there is no substantive evidence before me that explains why the appeal site provides a more sympathetic option than the existing location, only a claim from the appellant that discounted options were considered and supplied with the original application. Furthermore, whilst the appellant claims that the existing telecommunications site cannot be utilised for this proposal

¹ London Borough of Havering Planning Ref: M0002.20

due to unforeseen underground technical and build issues, I have no details before me that suitably addresses what these technical issues are, and why this site could not accommodate the upgraded equipment.

11. 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.
12. 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

13. 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

14. 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.
15. However, a balance should be struck between visual impact and the need for the proposal to be sited in the proposed location. I have identified that harm would arise to the character and appearance of the local area by siting the monopole here. It would appear visually incongruous. Furthermore, in the absence of evidence before me with regard to why the existing site cannot be utilised, and further information on alternative and discounted options, it has not been demonstrated that the appeal site is the only viable solution with regards to supporting high quality communications. Even if this is the optimal site, I do not consider that the public benefits would outweigh the collective harm that I have identified to the character and appearance of the area.

Conclusion

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

Robert Naylor

INSPECTOR