



Appeal Decision

Site visit made on 24 November 2022

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2022

Appeal Ref: APP/T2215/W/22/3295206

Land at Tile Kiln Lane, Bexley, Kent, DA5 2BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Hutchinson Networks (UK) Ltd. against the decision of Dartford Borough Council.
 - The application Ref. DA/21/01343/TDA, dated 14 August 2021, was refused by notice dated 12 October 2021.
 - The development proposed is the erection of a 15.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed monopole mast and apparatus on the local street scene and residential character of the area.

Reasons

Background

3. The appeal site lies on the edge of a residential area of Dartford. There is housing to the south of Tile Kiln Lane and a park/sports fields on the northern side of the road bounded by a roadside hedge and interspersed with mature oak trees. It is proposed to install the mast and equipment on the grass verge alongside the road.

Effect on locality

4. Although there is a belt of trees along the edge of the open area, the mast proposed would be well above the height of the adjoining trees and it would be sited in an area where it would be visually prominent in views particularly from the east along Tile Kiln Lane and in winter time. The mast would also be readily apparent in views along Red Lodge Road for some distance. I find that the mast would have a moderately harmful visual impact on the general street scene.
5. The mast would also be located close to housing. The plans show that the mast would be sited about 14m away from nearest end terrace property No.1 Dykewood Close. This is very close proximity and while the end wall of the property is a blank gable, the mast would be very prominent to the garden of that house and in full view from No. 2 of that road. In my judgement the mast

would be about twice the height of the nearby houses. On the merits of the case I find that the proposed siting of the 15m mast would visually dominate the residential environment of the adjacent houses and the residential character of the area.

6. The appellant says that the site chosen is the best alternative from a number of other sites examined in the cell area. Whilst I have not been able to undertake a comprehensive assessment of these other sites the evidence provided by the Council and the occupier of No.2 Dykewood Close casts considerable doubt in my mind that the appeal site is significantly less constrained than the potential alternatives available particularly in respect of the visual impact of the proposed equipment on surrounding housing. Paragraph 117 of the National Planning Policy Framework indicates that such GPDO applications for Prior Approval should be supported by the necessary evidence to justify the proposed development however in this case I am not satisfied that such evidence over the lack of suitable better sites has been demonstrated.
7. Overall I find that the proposal would result in moderate visual harm to the character of the area and to the residential environment of adjacent houses. As there would be an adverse relationship between the siting and height of the proposed equipment and neighbouring buildings and the wider locality I find that the proposal would be in conflict with the provisions of part 2 of Policy DP2 of the Dartford Development Policies Plan as adopted in 2017.
8. The Council also refers in the decision letter to a conflict with Policy DP24 but this relates to the protection of public open and amenity space and I am satisfied that the proposal would not interfere with this land use.

Other matters

9. An objector to the proposal also raises concerns about the noise that could arise from the cooling system within the ground based equipment and the effect this would have on the living conditions of occupiers of nearby houses. However, I note that the Council's Environmental Health Officer did not raise concerns about the proposal. Moreover it is not generally established that there is likely to be such noise problems nor specific evidence put forward in this case to justify rejection on this ground.

Conclusion

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

David Murray

INSPECTOR