



Appeal Decision

Site visit made on 17 October 2022

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21/12/2022

Appeal Ref: APP/B5480/W/22/3296972

Land at Hall Lane, Hall Lane, Upminster RM14 1AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and 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 Cornerstone and Telefonica UK Ltd against the decision of the Council of the London Borough of Havering.
 - The application Ref M0016.21, dated 27 August 2021, was refused by notice dated 13 October 2021.
 - The development proposed is the installation of a 17.50m monopole, supporting 3 no antenna, 2 no dishes together with the installation of 2 no ground-based equipment cabinets and ancillary development thereto.
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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 the installation of a 17.50m monopole, supporting 3 no antenna, 2 no dishes together with the installation of 2 no ground-based equipment cabinets and ancillary development thereto at Land at Hall Lane, Hall Lane, Upminster RM14 1AU in accordance with the terms of the application, Ref M0016.21, dated 27 August 2021, and the plans submitted with it including : 100A, 101A, 200A, 201B, 301B.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) (the Order) 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 of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) (notwithstanding Section 10) only in so far as they are a material consideration relevant to matters of siting and appearance.
4. To this end I note that the Havering Core Strategy and Development Control Policies Development Plan Document (2008) policies referred to by the Council in its reason for refusal has since been superseded by the adoption of the

Havering Local Plan 2016-2031 (LP). Insofar as relevant to matters of siting and appearance, the requirements of the adopted policies are consistent with those listed in the Council's decision notice. As such I have had regard to LP Policies 25 and 26 and Policies D4 and SI 6 of the London Plan which advise that development, including telecommunication development, should be suitably located and integrate successfully with the scale, character and appearance of space in which the equipment is located as well as the surrounding. The main parties had the opportunity to comment on those as part of their statement. I have had regard to any comments received and the new Local Plan in my decision.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on 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

6. The appeal site lies along Hall Lane, a busy main thoroughfare through Upminster, at the junction with The Fairway and next to the Upminster Golf Club. Both streets are characterised by mostly large, detached properties set back from the highway, while tree lined grass verges create a relatively verdant and spacious character.
7. The proposed 17.5m telecommunications mast with ancillary equipment would be of functional appearance, typical of telecommunications equipment seen in urban and suburban areas generally. There are streetlamps and other vertical lighting columns and street furniture, such as a bus stop, nearby, in addition to an existing smaller telecommunication pole further along Hall Lane to the south. There is also mature planting evident along Hall Lane running along the golf course frontage. Nevertheless, the proposed mast would be significantly taller than any of these existing vertical elements, including the existing mast nearby.
8. The Council does not dispute the appellants assertion that the design of the mast proposed is the slimmest possible which would support the necessary antennas, nor that the height is essential to provide equivalent replacement coverage to the target coverage area of Upminster. I appreciate the proposed mast must be taller than other objects in the vicinity in order to provide a clear line of sight over obstructions and would not be sited directly opposite any property.
9. However, the large size and utilitarian appearance of the proposed equipment would appear out of scale and overly prominent within its immediate residential setting and from some medium distance views, for example along the Fairway. It would also be within the line of site of several properties on the opposite side of Hall Lane. The roadside trees would offer some screening and natural backdrop but not to sufficiently reduce the visual impact of the mast given its size.
10. I therefore conclude that the siting and appearance of the development would have a moderately harmful visual effect on the character and appearance of the local area.

Other Considerations

11. Paragraph 117c of the Framework requires evidence that the appellant has explored the possibility of erecting antennas on an existing building, mast or other structure. The requirement for the mast and equipment within the immediate locality is clear, given the requirement to remove the existing antenna from Hall Mead School nearby providing the service.
12. I note the Council's reservations regarding the appellants list of alternative sites with the vicinity at Cranham Health Centre, St Luke's Church and Hall Mead School. These were discounted by the appellant for various reasons, including the height of the buildings not being sufficient.
13. Whilst not on an existing building, mast or other structure, the appellant also refers to a separate application for a mast at Upminster Golf Club¹ which it is stated is currently being considered by the Council. No details are provided of this which prevents me from directly comparing impacts, however I note the appellants state that this proposed mast is taller, a different design and closer to heritage assets, in this instance a medieval grange barn, which is a scheduled monument.
14. The appellant states that the existing mast along Hall Lane cannot be shared as it is not sufficiently tall and would not support the required antennas. I have no evidence to the contrary. I further note the constraints of the sensitive historic assets, including the Grade II listed Upminster Court (and its entrance piers and gates) to the north. I am not persuaded that the alternative sites or areas for siting suggested in this direction by the objectors would be suitable given these constraints.
15. A further suggested siting to the south opposite a pitch and put golf facility near the existing mast is noted, however this would be in close proximity to housing nearing completion on the same side of Hall Lane.
16. The impact of the mast on traffic flow is also raised, however, this is not substantiated and any disruption during installation or maintenance would be temporary. The mast and cabinets would be sited on the grass verge back from the footway and would not obstruct pedestrians.
17. The Council have not suggested any alternative sites and there is no substantive evidence that challenges the rationale for discounting the alternatives that have been considered. I have no substantive evidence before me to suggest that there would be other more suitable sites within the target area. The lack of realistic alternative options to deliver improved coverage and capacity is therefore a consideration which weighs significantly in favour of the development.
18. Concerns have been raised about 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

¹ Application reference: M0001.22

would not be complied with or that a departure from national policy would be justified

19. Paragraph 114 of the Framework recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. There is clear need for, and importance of, the rollout of the 5G network. The proposed new infrastructure would provide 2G, 3G, 4G and future 5G coverage for local people in the coverage area.
20. In this case, I conclude that the siting and appearance of the proposed installation would lead to moderate harm to the character and appearance of the area. However, this would be outweighed by the material consideration of the lack of alternative sites and the significant economic and social benefits that would stem from the proposed upgrade. On this basis the proposal is acceptable.

Conditions

21. Any planning permission granted for the 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, 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.
22. I note that, whilst not formally requested by the Council in their suggested schedule of conditions, a condition relating to colour is mentioned in the Officer report. Given the surrounding character of the area I am of the view such a condition is not necessary and notwithstanding this, the Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators.

Conclusion

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

B Phillips

INSPECTOR