



Appeal Decision

Site visit made on 8 December 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2023

Appeal Ref: APP/E5330/W/22/3298377

Tidlock House, Erebus Drive, Woolwich, London SE28 0GP

- 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 and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Royal Borough of Greenwich.
 - The application Ref 21/4107/T3, dated 16 November 2021, was refused by notice dated 10 January 2022.
 - The development proposed is a 5G telecoms installation: H3G Phase 8 17m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Order 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.

Planning Policy

3. The principle of development is established by the Order, and the provisions therein do not require regard be had to the development plan. I have had regard to the policies of the development plan, any related guidance and the National Planning Policy Framework (the Framework) only in so far as 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 development on 1) the character and appearance of the area and 2) highway safety.

Reasons

Character and appearance

5. The appeal site is located on a small section of footpath on the southern side of Erebus Drive opposite large residential blocks which overlook the river. The area of land to the south of the appeal site comprises open land with a slight

incline that contains a variety of shrubs and bushes with trees beyond. There are street trees that are in a linear form that run at regular intervals along the street. Those on the side of the footpath adjacent to the appeal site are notably lower than those on the opposite side of Erebus Drive, the plans showing them to be approximately 5m to 6m in height. There are also street lighting columns which are shown to be 6m in height.

6. Notwithstanding the large residential block, when viewed in the context of the land to the rear, the appeal site has a relatively open aspect. The existing street trees and lighting columns that are closest to the appeal site are low in scale and from a number of positions the site is visually different and separate from the opposite side of the road where the residential blocks and larger trees are located.
7. Although the existing trees would provide an element of screening, and I acknowledge that they are likely to grow in time, the appeal site is nevertheless relatively open, despite the large residential block on the opposite side of the road. The position and height of the trees is such that there would only be limited screening from certain viewpoints. Additionally, the incline of the land to the rear is relatively gradual meaning that there is little screening from this feature.
8. The proposed monopole, at 17m in height would be significantly higher than the trees and lighting columns. As a result, it would be hugely visually prominent. It would also be significantly higher and thicker than, and a noticeably different shape to, the adjacent street lighting column. It would therefore, as a result of its scale and design, be highly visible from long range views along Erebus Drive. Due to its overall scale, siting and design, it would represent an incongruous and dominant addition adversely affecting the character and appearance of the area.
9. The appellant has outlined that the monopole and cabinets would be coloured green in an effort to assist with assimilation of the installation. I acknowledge that in certain circumstances, the use of specific colours can assist in reducing the visual impact of an installation. In this instance, however, I do not consider that the proposed colour scheme would overcome the harm I have identified due to the overall scale and design of the installation.
10. For the reasons set out above, the monopole would cause significant harm to the character and appearance of the area. The proposal would be contrary to Chapter 10 of the Framework, which requires, amongst other things, that equipment on new sites to be sympathetically designed and camouflaged where appropriate.
11. The proposed development would also be contrary to Policies DH1 and DH(c) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014) and Policies D3 and D8 of The London Plan (2021). These policies require, amongst other things, that development is of high-quality design having regard to the scale and height of the adjacent townscape and that the public realm is well designed and attractive. It is also a requirement that telecommunications development is, amongst other things, sited and designed so as to minimise visual impact on its setting and local environment.

Highway safety

12. The appeal site is located on an area of footpath. The Council consider that the reduction in the width of the footpath would cause harm to pedestrian flow and the use of the footpath by wheelchair users or prams. To ensure the safe operation of the highway for all users, in the vast majority of circumstances this includes ensuring the footpath is of an acceptable width.
13. In this case, the footpath runs for a short stretch between a fence and a turning head. Although the duration of my site visit was for a limited amount of time, I did not observe anyone using the footpath and given its context and the fact it does not lead anywhere would lead me to conclude its use is limited.
14. The Council's undisputed evidence states that the proposed development would restrict the useable footpath width to 0.77m. Given the very low level of use, I do not agree with the Council that this would cause a disruption to pedestrian flow. The resulting width would however be likely to restrict access for wheelchair users and prams. This would create the situation whereby such footpath users are unable to adequately use the resulting section of footpath and therefore use the roadway.
15. I acknowledge that given the low usage of the footpath such occurrences would be infrequent. I am however mindful that highway networks, and indeed surrounding land uses can change over time. What may currently be an under used section of footpath may, with highway modifications or further developments in the area, become more well used and thus increasing the level of conflict and exacerbating the harm to footpath users.
16. Therefore, the impact on highway safety due to the resulting footpath width weighs against the proposed development, and in this regard, it would be contrary to Policies DH1, IM4 and IM(b) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014) and Policies T2 and T4 of The London Plan (2021). These policies require, amongst other things, that developments contribute to a safe environment for users and achieves accessible and inclusive environments for all, including disabled people.

Other Matters

17. The Framework outlines the significance of high-quality telecommunications infrastructure including in relation to being essential for economic growth and social well-being. The appellant has highlighted how they consider the proposal complies with the Framework and have also submitted a copy of the joint correspondence from DCMS and MHCLG (March 2019) titled Collaborating for digital connectivity. This correspondence echoes the content of the Framework. Such factors weigh strongly in favour of the proposed development.
18. I also acknowledge the appellant's sequential approach to site selection that has been undertaken as required by the Framework. This similarly weighs strongly in favour of the proposed development.
19. I note that as the appellant highlights, the site is not within a conservation area or any other specific constraint. The lack of harm to such a protected area is however a neutral factor in the balance.

Planning Balance and Conclusion

20. I do not consider that the public benefits of the installation in terms of the enhancement of the telecommunications network, its contribution to economic growth and the operational and locational needs of the operator outweighs the significant and cumulative harm that I have identified would be caused to the character and appearance of the area and highway safety.
21. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR