



Appeal Decision

Site visit made on 11 January 2023

by D R McCreery MA BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2023

Appeal Ref: APP/D5120/W/22/3305241

HALFWAY STREET, THE HOLLIES, LONGLANDS DA15 8DJ

- 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 CK Hutchison Networks (UK) Ltd against the decision of London Borough of Bexley.
 - The application Ref 22/00758/GPDO8, dated 18 March 2022, was refused by notice dated 19 May 2022.
 - The development proposed is Proposed telecommunications installation: Proposed 15.0m Phase 9 Super Slimline Monopole 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), 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 Council's decision notice makes reference to policies within the development plan for the area. For the avoidance of doubt, I have not decided this appeal in accordance with the duty at 38(6) of the 2004 Act¹. I have, however, considered development plan policy in so far as it assists with forming the necessary judgement on siting and appearance required by the GPDO. I have considered policy in the National Planning Policy Framework (the Framework) on the same basis.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area and pedestrian safety and convenience.

Reasons

Character and appearance

5. The site is part of a wide pavement area that is adjacent to Halfway Street, close to its junction with Woodbine Road. The immediate surroundings are

¹ [Planning and Compulsory Purchase Act 2004](#)

characterised by commercial premises that form part of a small but active shopping parade within a wider context that is predominantly residential. The shopping parade is designated as a Neighbourhood Centre in the local plan, reflecting the function that it plays as a focal point for day to day community needs.

6. The wide pavement area enhances the function and appearance of the shopping parade, providing a visual focal point as well as additional space for pedestrian movement and congregation. Within the wide pavement area there is a variety of street furniture, along with trees and planters, and an established presence of telecommunications equipment. The existing equipment is utilitarian in appearance and does not enhance the appearance of the street scene. However, it's visual impact is contained to a degree due to the location within the paved area and it being only a single structure.
7. The proposed installation would be open to long views along Halfway Street. The mast would be a prominent feature due to its height and siting. The openness of the Woodbine Road junction would result in it being a focal point, particularly in views from the south east. The utilitarian appearance of the mast would detract from the street scene.
8. The exposed location and height of the mast would be such that existing street furniture, trees and other structures would offer insufficient screening. The appearance would not be satisfactorily softened using colour coding.
9. Nor would the presence of other vertical structures in the street scene assist with assimilating the proposal into the surroundings. Existing lamp posts are clearly thinner in profile. The existing mast is located differently and, in any event, does not justify a further mast where the cumulative effects of such equipment would be detrimental to the character and appearance of the area, as would be the case in this instance.
10. In terms of more localised effects, the proposed mast, along with other equipment would introduce visual clutter of an unattractive appearance to the paved area. The effect would harm both the appearance of the area and the wider function of the shopping parade as a community focal point that should be inviting to users in the interests of promoting vibrancy.
11. I have noted that the location is not subject to any specific conservation or similar designation. This does not of itself justify or offer weaker protection for any proposal outside of such areas. I see nothing within the GPDO to indicate that siting and appearance should be considered on that basis.
12. For the reasons set out, the siting and appearance of the proposal would be harmful to the character and appearance of the area.

Pedestrian safety and convenience

13. The paved area plays an important role in supporting the use of the shopping parade as a focal point for day to day community activity. This function was evident from the site visit where I observed high levels of such activity, with associated pedestrian flows through the paved area as well as congregation. Much of the existing street furniture in the paved area inhibits pedestrian flow to a degree, especially when viewed cumulatively. Some furniture plays an important role in promoting day to day activity by providing items such as

benches, bike racks, and planters, that enhance the viability of the shopping parade.

14. The proposal would provide a further obstruction to pedestrian flows, whilst contributing no material functional benefit to the day to day activity of the shopping parade and the paved area.
15. The reduction in space within the paved area arising from the proposal would inhibit pedestrian flows through, and congregation within, it. There would be a consequential reduction in convenience that would impact negatively on the function that the area plays as a busy community focal point.
16. The Council's Highways Appeal Statement offers no specific evidence regarding threats to pedestrian safety resulting from the proposal. Further, the specific standards relating to footway clearances appears to come from supplementary planning guidance, which can only be treated as informative in prior approval cases for the reasons set out in paragraph 3 of this decision.
17. Nevertheless, considering the site conditions, the proposal would reduce the amount of available footway on the south side of the paved area in close proximity to the highway edge. Given the existing planter, bike rack, bollards, and lamppost in this area, the proposal would represent a further obstruction to those looking to safely cross Halfway Street onto the paved area in this location.
18. As such, notwithstanding the absence of specific evidence and taking a precautionary approach to this issue, the site conditions suggests that there is a reasonable likelihood of the proposal resulting in a deterioration in safety for pedestrians using the paved area as a consequence of the siting of the proposal.
19. For the reasons set out, the siting and appearance of the proposal would be harmful when regard is paid to pedestrian safety and convenience.

Other Matters

20. Reference has been made to various social and economic benefits. These have not been taken into account in considering the matters of siting and appearance.
21. The planning history of the site it noted, including the previously dismissed appeal² for the installation of a Phase 8 Monopole; Cabinet at base with associated ancillary works at the site. I have paid regard to this decision whilst also reaching a conclusion based on the merits of the present proposal and the evidence before me.

Conclusions

22. The siting and appearance of the proposal would result in harm when regard is paid to the effects on the character and appearance of the area and pedestrian safety and convenience.
23. I have considered the Appellant's evidence relating to the need for the installation to be sited as proposed, in addition to the assessment of suitable alternatives and the constraints that are said to exist. The Council's position

² APP/D5120/W/21/3268282

that preferable alternatives exist is not evidenced in any depth that allows me to pay it serious regard.

24. However, the strength of the evidence on need and alternatives does not outweigh the material harm that would arise to this busy local focal point for community activity.
25. Policy in the Framework is not a determinative factor in this instance. However, in drawing my conclusions, I am mindful of paragraph 14 of the Framework, including the need to support the expansion of electronic communications networks. Equally, the Framework includes a number of policies aimed at fostering well designed, beautiful and safe places, including the detailed items at paragraph 130.
26. Achievement of the sustainable development required by the Framework requires a balancing of these objectives and exercise of planning judgement. As such, one Framework policy cannot be said to take precedence over another.
27. In final conclusion, and having regard to all other matters raised, the appeal is dismissed.

D R McCreery

INSPECTOR