



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: 24 January 2023

Appeal Ref: APP/D5120/W/22/3305029

Area of Footpath, Lovel Avenue, Upper Wickham Lane, Bexley, Greater London DA16 3EB

- 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 22/01392/GPDO8, dated 26 May 2022, was refused by notice dated 19 July 2022. The development proposed is 5G telecoms installation: H3G Phase 8 high street pole c/w wrap-around cabinet and; and 3 further additional equipment cabinets.
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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.
4. The address given by the Appellant on the appeal form is adequate to identify the site. The reference to both Lovel Avenue and Upper Wickham Lane reflects the location close to the junction of both roads. For these reasons, I have adopted the site address given by the Appellant.
5. It is a requirement that network operators confirm that proposals are International Commission on Non-Ionizing Radiation Protection (ICNIRP) compliant. In this case, the application is supported by a screenshot that contains information.

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

6. This does not amount to a formal declaration of compliance. As such, sufficient evidence of compliance has not been supplied. However, in light of my conclusions on the main issue, it is not necessary for me to address this matter further.

Main Issue

7. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area.

Reasons

Siting and appearance

8. The site is part of the pavement that is adjacent to Upper Wickham Lane, close to its junction with Lovel Avenue. The character of the wider area is residential, with a mix of supporting commercial uses along the busy Upper Wickham Lane.
9. The appearance of the immediate surroundings are influenced by the single storey institutional building and its parking area that is immediately adjacent to the site. The gap created by the parking area, and resulting lack of directly adjacent built structures of substance, increases the prominence of the site in the surroundings.
10. The proposal would be open to public long views along Upper Wickham Lane from the north. Here, the proposed mast would be prominent by virtue of the extent of views and it's more exposed location that arises from the gap described above. The prominence of the mast would be reduced to some degree where seen against a built back drop, rather than the skyline.
11. There is limited tree coverage in the locality. As such, natural screening would not assist with reducing the impact. Other vertical structures in the area are noted, such as lamp posts. Whilst contextually of relevance, such structures clearly differ in height and profile to the proposed mast. As such, it would be wrong to say that the mast would seamlessly blend into the existing context as a result of such structures.
12. The location of the three/four storey flatted development referred to in the Appellant's statement of case is unclear. As mentioned above, it is the low rise institutional building and the open car park area that most influences the immediate context of the proposal by providing the openness that would contribute to the prominence of the mast.
13. The prominence of the mast in views from the north arising from its height and profile, extent of public views, and overall utilitarian and unattractive appearance would give rise to harm to the character and appearance of the area. The effects would be mitigated to a degree by the built backdrop described above and could be reduced further with appropriate colour coding, which could be the subject of conditions.
14. However, in light of the exposed location, the relationship with the surroundings, and the nature and extent of views of the mast from the north, the level of mitigation possible would not reduce the harm to the character and appearance of the locality to an acceptable level when regard is paid to the issues of siting and appearance.

15. Public views from Upper Wickham Lane to the south are less extensive due to the bend in the road. Views from Lovel Avenue to the rear would be limited to the upper section of the mast, due to the screening provided by nearby buildings.
16. As such, the effects on the character and appearance of the area in terms of public views from Upper Wickham Lane to the south, Lovel Avenue to the rear, and other locations would be acceptable in terms of impact. Acceptable impacts would also result from the placing of the cabinets.
17. I have noted that the location is not subject to any specific conservation or similar designation. This does not of itself justify any proposal outside of such areas, irrespective of impacts. I see nothing within the GPDO to indicate that siting and appearance should be considered on that basis.
18. For the reasons set out, the siting and appearance of the proposal would result in harm to the character and appearance of the area.

Other Matters

19. 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.
20. The Appeal Form makes reference to two other appeals² for installation of equipment at other sites in the Council's area. I have noted them, although without further explanation they offer little of direct relevance to the present appeal, which must be considered on its own merits by reference to the evidence that is before me.

Conclusions

21. The siting and appearance of the proposal would result in harm to the character and appearance of the surroundings.
22. 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.
23. However, the strength of the evidence on need and alternatives does not outweigh the material harm that would arise to the character and appearance of the area, when regard is paid to the effects resulting from the proposed mast when seen in views from the north.
24. Policy in the Framework is not a determinative factor in this instance. However, in drawing my conclusions I am mindful of paragraph 14, including the need to support the expansion of electronic communications networks. Equally, the Framework includes a number of policies aimed at fostering well designed places, including the detailed items at paragraph 130.
25. Achievement of the sustainable development required by the Framework requires a balancing of these objectives and exercise of planning judgement. I have approached the appeal on this basis.

² APP/D5120/W/22/3298730 APP/D5120/W/22/3299271

26. In final conclusion, and having regard to all other matters raised, the appeal is dismissed.

D R McCreery

INSPECTOR