



Appeal Decision

Site visit made on 2 December 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2023

Appeal Ref: APP/G5180/W/22/3297378

Beck Lane, Anerley, Penge BR3 4RF

- 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 (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/21/04402/TELCOM, dated 24 September 2021, was refused by notice dated 6 December 2021.
 - The development proposed is a 16.0m Phase 8 Monopole C/W wrapround at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The provisions under Article 3(1) and Schedule 2, Part 16, Class A of the GPDO 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, having regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are material considerations relevant to the matters of siting and appearance.

Main Issues

3. Having regard to the above, and the Council's reason for refusal, the main issues in this case are the effect of the siting and appearance of the proposal 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

Character and Appearance

4. Beck Lane is a long residential street running between two large allotments. Towards the middle of the street, the road diverges in a U-shape around a group of four bungalows. It is within this area that the proposed monopole and three associated equipment cabinets would be installed on the public footway, adjacent to the allotments on the north-western side.
5. The area immediately around the site is open, with clear views across the allotments to the rear of dwellings beyond on Arrol Road and Allen Road. The

low height of the bungalows opposite the site adds to this sense of openness, as does a notable absence of tree cover or other street furniture, with the exception of a single street lighting pole nearby.

6. The proposed monopole, at 16m, would stand far above the height of the surrounding built form, including the two storey dwellings that generally line Beck Lane in both directions and the lone 8m high street lighting pole. Given the openness of the surroundings, the whole height and stark, functional form of the monopole would be exposed to view and it would form a highly conspicuous and dominant feature of the streetscape, visible from the entirety of the allotments, several dwellings on Beck Lane and many more on Arrol Road and Allen Road. There is no existing or proposed form of screening that would filter or otherwise lessen the visual impact of the monopole. Rather, it would intrude harmfully into the skyline and undermine the consistent low scale and openness which characterises the area.
7. I accept that, due to the kink in the road and intervening presence of dwellings, the monopole would not be dominant in longer views along Beck Lane, and the associated equipment would be located on a stretch of pavement which appears lightly trafficked, given there is a more direct footpath behind the central bungalows. However, these factors do not mitigate for the harmful impact of the monopole described above.
8. For these reasons, I conclude that the proposal would result in harm to the character and appearance of the area. So far as they are material to the proposal, there would be conflict with Policies 37 and 89 of the Bromley Local Plan (January 2019) which require a high standard of design and that telecommunications development demonstrates any adverse impact on the character, appearance and amenity of the area has been minimised. There would also be conflict with the Framework's expectation that new electronic communications equipment should be sympathetically designed.
9. Given these findings, it is necessary to consider whether this harm is outweighed by the need for the proposal to be located at the appeal site, having regard to any suitable alternative locations.

Alternative Locations

10. Paragraph 117 of the Framework advises that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
11. I have had regard to evidence submitted by the appellant in respect of the site selection process. I accept that the height of the mast is dictated by operational and health requirements¹. Several potential locations are considered, but the search is indicated to be constrained by the densely packed residential surroundings and the need to fit within the existing network of cells to provide coverage where it is presently lacking. The appellant briefly states that there is no scope to upgrade an existing mast or site share, and each of the alternative sites would be for a ground based installation.

¹ International Commission on Non-Ionizing Radiation Protection (ICNIRP) requirements

12. Of the other locations considered and discounted, I accept that some may have limited space to house the necessary equipment. However, other locations have been discounted for very brief reasons which are not elaborated upon, such as potential visibility splay issues (D6) or sensitive location (D4), or cite insufficient space despite there being broad areas of pavement adjacent (D1). On the limited evidence before me relating to these other sites, I am not persuaded that these are clearly unsuitable or would be more harmful in terms of visual or other impacts. Therefore, I do not find the search and assessment of alternative sites to be sufficiently robust or that the identified need for the mast could only be met at the appeal site.

Other Matters

13. The local highway authority pointed to the proposal resulting in a shortfall of some 0.13m against the Council's required 1.8m footway clearance, over a distance of some 6m. Ultimately, the Council has not pursued this as a reason for refusal, as the cabinets could be positioned further back to overcome this issue. Moreover, I saw very limited footfall along this stretch of footway which is not a desire line for those walking along Beck Lane. On this evidence, I do not find harm to pedestrian or highway safety from the siting of the proposal.
14. The Framework makes it clear that in determining applications, the need for an electronic communications system should not be questioned, and local planning authorities should not set health safeguards different from the ICNIRP guidelines for public exposure. The appellant has confirmed that the proposal would meet the relevant guidelines, and I have no firm evidence to dispute this. Therefore, whilst I acknowledge the concerns raised in representations regarding health, this is not a matter that weighs against the proposal.
15. I note other points raised, but none are matters that would alter my overall conclusions on the main issues or the planning balance. Therefore, it is not necessary to explore them in further detail.

Balance and Conclusion

16. The siting and appearance of the proposal would cause harm to the character and appearance of the area. I afford significant weight to this harm.
17. Government support for the expansion of advanced telecommunications networks is expressed clearly in the Framework. I acknowledge that there is a need for additional mobile telecommunications infrastructure in the area and that this would deliver tangible benefits in terms of improved coverage. However, it has not been satisfactorily demonstrated that the appeal site is the least harmful alternative location for a new mast.
18. Overall, I find that the need to locate the proposed infrastructure at the appeal site does not outweigh the harm to the character and appearance of the area that would be caused by its siting and appearance. Therefore, prior approval should not be given and the appeal should be dismissed.

K Savage

INSPECTOR