



Appeal Decision

Site visit made on 22 November 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2023

Appeal Ref: APP/G5180/W/22/3295462 Plaistow Lane, Plaistow, Bromley BR1 3TE

- 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 the Council of the London Borough of Bromley.
 - The application Ref DC/21/04071/TELCOM, dated 4 September 2021, was refused by notice dated 8 November 2021.
 - The development proposed is a 16.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (hereafter "the 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 provisions of the GPDO do not require regard be had to the development plan in this case. I have therefore had 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 matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposal upon the character and appearance of the area, and whether any harm caused is outweighed by the need to site the installation in the proposed location.

Reasons

Character and appearance

5. The appeal site is part of the footway on the north side of Plaistow Lane, opposite the entrance to Cooden Close. The surrounding area is predominantly

residential with buildings generally two or three storeys high, although I also saw that there is a small cluster of four storey flats a little way further east along Plaistow Lane close to its junction with Edward Road. The three residential buildings next to the appeal site, Charles Darwin House, Lewis King House and Andrew Wells House, are flats with a shared access and parking forecourt separated from Plaistow Lane (and the appeal site) by a low brick wall. Sundridge Park station lies a short way west of the appeal site, beyond which there are shops on both sides of Plaistow Lane as it descends towards the Plaistow Green open space.

6. The proposed development is the installation of a 16m monopole mast and associated ancillary works (as well as the wraparound cabinet at the base of the mast the submitted drawings show three further cabinets of varying sizes, though I note both the appellant's comment that they are "within the size limits to be classified as permitted development without prior approval"). The installation would be at the back of the footway, 5m or so east of a bus shelter.
7. The proposed mast would be approximately twice as tall as the existing street lighting columns; it also appears from the submitted drawings that the mast would be rather broader, notwithstanding that it is described as "slimline". I recognise that a mast must be high enough to ensure that it provides suitable coverage locally, and that it can communicate with other nearby base stations on the same network; nevertheless, the height of the mast and its utilitarian appearance would make it a bulky and intrusive addition to the local streetscene. This would be exacerbated by its relatively elevated position, which would be especially apparent when approaching from the west up the gentle incline along Plaistow Lane.
8. I note the appellant's argument that the installation would utilise "the natural screening from the vegetation that fronts Plaistow Lane". However, I saw on my site visit that although there are some mature trees within the forecourt of Lewis King House and the other blocks to the north, these are not especially tall (the submitted drawings indicate that they are around 8m high). The two nearest trees to the proposed installation would also be several metres away; their height and distance from the installation mean that they would be unlikely to provide a significant amount of screening. A short hedge would screen views of the wraparound cabinet from within Lewis King House and the other blocks of flats, but it would not screen the mast itself. All things considered, the appeal site is in a relatively exposed part of Plaistow Lane, within which context the proposed installation would be a prominent and intrusive feature. The mast would also be particularly stark when seen from within the nearest flats within Lewis King House, from which it would be separated only by the depth of the forecourt.
9. I therefore conclude that the proposal would cause significant harm to the character and appearance of the area. Insofar as they are a material consideration, the proposal would conflict with Policies 37 and 39 of the 2019 Bromley Local Plan. Together, and among other things, these policies seek to ensure that all development makes a positive contribution to the street scene, and that the visual impact of telecommunications equipment installations is minimised.

Alternatives and other considerations

10. The Framework supports the provision of high quality and reliable communications which it states are essential for economic growth and social well-being. Paragraph 114 states that planning policies and decisions should support the expansion of the electronic communications network, including next generation mobile technology such as 5G.
11. The supporting information submitted with the application indicates that the proposed development would fill a substantial "hole" in the operator's network coverage in the Plaistow area; it would also assist in the roll out of 5G technology in accordance with aspirations in the Framework. The appellant's evidence explains that none of the "sequentially preferable" options set out in the Framework is available, and that the search area for a new mast is tightly constrained by the need both to provide the desired expansion in coverage, and to be sufficiently distant from other base stations serving the same operator so as not to cause interference. I am satisfied that the appellant has demonstrated that there is an identified need for the proposed development to be located somewhere within the search area.
12. I also recognise that telecommunications installations are now a common feature of the built environment, even in leafy and pleasant suburbia. However, this is not a consideration which means that any such scheme is acceptable, and an appropriate balance must be struck.
13. The appellant has outlined alternative sites that were considered but discounted for a variety of reasons, although little substantive detail was provided. Indeed, I consider the evidence provided to be somewhat confused on this point; the "discounted options" assessed in the Site-Specific Supplementary Information document which accompanied the planning application were not the same as those assessed in the appeal statement. While reasons for discounting alternative sites such as "insufficient pavement width", "proximity to residential properties" and "obstructing tree canopy" were put forward, there was not substantive evidence (such as plans or other illustrations showing the implications of the constraints identified) to substantiate the assertion that the appeal site is more suitable than the alternatives.
14. I note the appellant's suggestion that, if I were minded to allow the appeal and approve the installation, "the colouring of the equipment can also be specified as deemed appropriate". In my view, while the use of a coloured finish rather than the grey steel of the mast and cabinets might be slightly more sympathetic to the surrounding area, it would be unlikely to significantly mitigate the harmful visual impact of the proposed installation. Given the lack of adequate information to demonstrate that a more suitable alternative location is not available, or at least that the appeal site is no less suitable than the available alternatives, this suggestion is not one which carries significant weight in favour of the appeal scheme.
15. In any case, the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. Where an operator considers that an alternative colour finish would be likely to make an installation more acceptable visually, this should really form part of the scheme as initially submitted to the local planning authority.

Conclusion

16. I acknowledge that the proposal is necessary to expand mobile communications (including 5G) coverage in the area, and I attach significant weight to the economic and social benefits provided by improved communications infrastructure. However, on balance I find that these benefits would be outweighed by the significant harm that the proposal would cause to the character and appearance of the area.
17. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector