



Appeal Decision

Site visit made on 13 January 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2023

Appeal Ref: APP/D5120/W/22/3298730

Junction of Avenue Road and Ramsden Road, Erith, London DA8 3BN

E: 550649, N: 177299

- 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 London Borough of Bexley.
 - The application Ref 21/03637/GDPO8, dated 30 November 2021, was refused by notice dated 26 January 2022.
 - The development proposed is a 15m high Phase 8 3HG street pole and associated 3no. equipment cabinets (colour green RAL-6009).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form and correspondence from the appellant incorrectly identifies the appeal site as being located on Limewood Road. I have therefore taken the site address from the Council's Decision Notice as this is more accurate.
3. 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

4. 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 (2021) (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed development 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 having regard to the potential availability of alternative sites.

Reasons

6. The appeal site is located on a grass verge at the corner junction of Avenue Road and Ramsden Road. It is located in a predominantly residential area where most of the properties are two-storeys in height with those closest properties on Ramsden Road sitting at a lower level to the adjacent footpath. Avenue Road has a notable descent in an easterly direction which gives the site an elevated appearance when seen from this viewpoint.
7. The submitted plans show that the street lighting columns adjacent to the appeal site are 8m in height. The site is also close to the grounds of King Henry School which, at this point, is bounded by a hedge of around 4m in height with trees of approximately 9m to 10m behind.
8. The proposed development would be sited within a small, grassed area at the corner junction which separates the roadway and the footpath. The siting in the grassed area, forward of the footpath and the landscaping, would result in the installation appearing somewhat isolated and exposed. The corner junction location when combined with its elevated position from certain viewpoints would result in the installation appearing hugely visually prominent and out of keeping with the low-rise nature of the surrounding area.
9. Although the adjacent landscaping would provide a degree of screening, this would only be from certain directions and the proposed monopole would be significantly greater in height, including that of the existing streetlighting columns. The thickness of the headframe would greatly increase its prominence and it would stand out as an incongruous feature, adding to the visual clutter of the area.
10. For the reasons set out above, the proposed installation would cause significant harm to the character and appearance of the area. The proposal would conflict with guidance within the Framework, which requires, amongst other things, that equipment on new sites to be sympathetically designed and camouflaged where appropriate.
11. In regard to those policies of the development plan that are relevant to the matters of siting and appearance, the proposal would conflict with Policies CS01 and CS09 of the Bexley Core Strategy (2012) and Policies ENV39 and ENV45 of the Bexley Unitary Development Plan (2004) which require, amongst other things, that development does not adversely affect the street-scene and that the siting and design of telecommunications apparatus should minimise the visual impact of the development.

Other Matters

12. The Framework and The London Plan (2021) outline 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 The London Plan. They 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 and The London Plan. Such factors weigh strongly in favour of the proposed development.

13. I also acknowledge the appellant's sequential approach to site selection that has been undertaken as required by the Framework. This has discounted a number of alternative sites and has informed the appellants decision to pursue the site subject to the appeal. This approach similarly weighs strongly in favour of the proposed development.
14. 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

15. 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 harm that I have identified would be caused to the character and appearance of the area.
16. 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