



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/E5330/W/22/3299352

Broad Walk, Eltham, London SE3 8NH

- 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 Royal Borough of Greenwich.
 - The application Ref 21/4275/T3, dated 30 November 2021, was refused by notice dated 19 January 2022.
 - The development proposed is a 5G telecoms installation: H3G Phase 8 17m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order) for the siting and appearance of a proposed 5G telecoms installation: H3G Phase 8 17m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets at Broad Walk, Eltham, London, SE3 8NH in accordance with the application Ref 21/4275/T3 dated 30 November 2021, and the plans submitted with it.

Preliminary Matter

2. 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

3. 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.
4. Policies DH1, DH3, DH(c), DH(h) and DH(j) of the Royal Greenwich Local Plan Core Strategy (2014) and Policies HC1, D3 and D8 of the London Plan (2021) are material considerations as they relate to issues of siting and appearance and heritage assets.

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 with particular regard to its location within the Woolwich Common Conservation Area (WCCA) and adjacent locally listed buildings, and if any harm would occur, whether this would be outweighed by any public benefits of the proposed development.

Reasons

Character and appearance of the WCCA

6. The appeal site comprises an area of footpath on the northern side of Broad Walk. It is located in a predominantly residential area that is formed of mainly two-storey properties. The street has regularly spaced trees located in the grass verges on either side of the road. The most prominent trees are those on the other side of a brick wall by the appeal site and these are around 17 to 20 metres in height.
7. The appeal site is located within the Woolwich Common Conservation Area (WCCA) which is characterised by the large common land area and the historic military buildings. Due to its location within the WCCA the duty in S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is applicable. Therefore, in this case special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area.
8. There is a locally listed wall near to the appeal site. Although I have not been provided with a plan identifying its location, the Council appear to suggest it includes the wall immediately adjacent to the appeal site. From the listing description I have been provided with, it appears, however, to relate to the wall that is around 100 metres to the east of the appeal site.
9. The proposed development involves the installation of a 17m high monopole and associated equipment cabinets. Its siting would be amongst the linear form of trees and streetlighting columns that are in the street and behind the wall adjacent to the appeal site. The monopole is proposed to be sited where there is a slight gap in the tree cover. It would nevertheless sit between trees of 15m and 20m in height. These trees would provide a significant amount of screening of the monopole when viewed from both directions when travelling along Broad Walk, including at times when not in full leaf.
10. The monopole would be more prominent when viewed from the small cluster of properties which are formed in a horseshoe shape to the south of the appeal site. It would also be significantly greater in height and thickness than the existing street lighting columns and would not have the same natural appearance as the adjacent trees.
11. In terms of its location within the WCCA, the appeal site is located right on the boundary of the conservation area. From the information before me, and my own observations, the appeal site is some distance away from the most important aspects that contribute to the significance of the WCCA. It would be visible from some locations from the land to the north within the former Royal Herbert Hospital, which is identified as a significant landmark within the WCCA. These views would however be largely screened by the tree cover, with the buildings of the former hospital being some distance, and clearly separate, from the appeal site and the proposed development.

12. As a very tall structure of functional and modern appearance, it would be slightly at odds with the traditional low-rise character and appearance of this part of the WCCA. However, the tree cover is such that the monopole would most likely be seen in occasional close to medium distance views.
13. Having regard to the locally listed wall, as outlined above, this appears to relate to other sections, with the wall immediately adjacent to the appeal site being a relatively mundane structure with wire mesh panels above. Due to the separation and the tree cover, I do not consider that the proposed development would harm the setting of this locally listed building. Even if the listing does include the wall immediately adjacent to the appeal site, the impact would be for a very limited area and would not be significantly worse than other elements of street furniture.
14. Although the structure would be prominent from certain viewpoints within a confined area, overall, I consider that its impact on the WCCA would be limited. For these reasons, and in the language of the Framework, any harm to its significance as a designated heritage asset, would be less than substantial. Paragraph 202 of the Framework states that any harm to heritage assets that is less than substantial must be weighed against the public benefit of the proposal.

Public benefits

15. Paragraph 114 of the Framework advises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology such as 5G. The proposed installation would provide 5G network services to the local area.
16. The appellant has outlined that due to the technological constraints and the extremely constrained nature of the search area for the cell, the proposal is the only feasible option. I am not presented with any evidence to the contrary. I am satisfied therefore that in the circumstances, the choice of site is a reasonable one.
17. There are significant benefits to the public at large from being able to access high quality mobile communications, a point which the Council acknowledges. I consider that these would be public benefits which carry significant weight in favour of the proposed development.

Overall balance

18. I have found that the proposed development would cause minor harm to the character and appearance of the area. The resultant harm would be localised and limited in scale and would amount to less than substantial harm to the WCCA. As such, the proposal would fail to comply with those policies of the Royal Greenwich Local Plan and the London Plan which seek to ensure that development does not harm character and appearance or heritage assets.
19. However, in line with the requirements of paragraphs 199 to 202 of the Framework, I have also found that a significant public benefit would be delivered through the provision of improved mobile communications networks, which would outweigh the limited less than substantial harm to the heritage asset which has been identified.

Other Matters

20. Representations have referred to other locations being preferable. The appellant has outlined that due to the technological constraints and the extremely constrained nature of the search area for the cell, the proposal is the only feasible option. I am not presented with any evidence to the contrary.
21. Representations have referred to the implications of the siting of the equipment for footpath users. The appellant has proposed extending the footpath into the grass verge for a short section to provide an appropriate width available for footpath users. The Council have considered that this would ensure there is not an unacceptable impact for footpath users. I have no reason to form a different view.
22. Representation has also been made in relation to the impact on living conditions due to the visibility from residential properties. I observed that the closest residential properties to the installation were not in a direct line of sight, and those from which the installation would be visible were at a reasonable distance to ensure that the impact would not be unacceptable.
23. The Council have referred to a dismissed appeal¹ at another location within the setting of the WCCA. Although heritage matters were pertinent in the case, it relates to a different location with different circumstances. Accordingly, it is not directly comparable with the circumstances which apply in this appeal. I have, in any event, reached my own conclusions on the appeal proposal based on the evidence before me.

Conditions

24. The Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

25. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed, and prior approval should be granted.

A M Nilsson

INSPECTOR

¹ APP/E5330/W/22/3290665