



Appeal Decision

Site visit made on 23 January 2023

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2023

Appeal Ref: APP/E5330/W/22/3298393

Twin Tumps Way, Greenwich, Greater London SE28 8RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 appeal is made by CK Hutchison Networks (UK) Ltd against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref 21/3686/T3, dated 13 October 2021, was refused by notice dated 7 December 2021.
 - The development proposed is a 5G telecoms installation:
15m high 'slim line' Phase 8 H3G street pole c/w wrap around cabinet and 3no. cabinets with ancillary works – to be coloured grey.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The postcode for the appeal site listed on the application form does not exist, according to the Royal Mail. I have amended the postcode so that it is now recognised by the Royal Mail and is consistent with the location of the appeal site on Twin Tumps Way.
3. A prior approval appeal should not be determined, expressly or otherwise, on the basis of s38(6) of the Planning and Compulsory Purchase Act 2004 or as though the development plan must be applied. The principle of development is established through the grant of permission by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
4. The provisions of 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 this basis.

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, taking into account any suitable alternative locations.

Reasons

6. The appeal site is located on Twin Tumps Way, which forms the vehicular entrance to a purpose-built retail park, from a roundabout off the main road serving the area, Central Way. Twin Tumps Way is a broad, two-way, single carriageway road, with a marked central reservation and with a splayed access/egress by the roundabout.
7. The road contains a further, smaller roundabout within the retail park, from which access to the extensive surface car parking areas serving the retail uses is taken. Pedestrians can use the footpaths on both sides of the road which are linked by a zebra crossing and an uncontrolled crossing near the appeal site.
8. Low level bushes and small trees form a partial barrier between the road and the retail uses as part of the landscaping of the retail park, whilst the area also contains lampposts and various directional signs in this vicinity. There is a grass verge by the carriageway on its southern side, which contains some existing equipment cabinets, and continues around to Central Way, where further cabinets and a telecommunications mast are located.
9. The proposed development would be a 15 metre high telecommunications mast including a 'wrap-around' cabinet at its base, together with a further three separate ancillary equipment cabinets to the northwest. It would be positioned on the grass verge to the southeast of the zebra crossing and northwest of the uncontrolled pedestrian crossing on Twin Tumps Way.
10. The width of the footpath and the location of the appeal development means that pedestrian movement through the area would be largely unaffected and the Council has raised no concerns with regard to highway safety.
11. However, the height of the proposed mast would be significantly greater than the nearby buildings, lampposts, and trees at the retail park. Together with its somewhat bulky design and prominent position, the mast would be an obtrusive feature on Twin Tumps Way.
12. Furthermore, the scale, position and design of the proposed mast, which would be readily visible from Central Way as well as from within the retail park, together with the existing mast and cabinets nearby, would create a sense of visual clutter in the area.
13. The appellant claims to have followed a sequential approach to options and site selection beginning with *Mast and site sharing*, then *Existing buildings or structures* and finally *Ground based installations*¹.
14. Paragraph 4.2 of the appellant's Statement of Case states that 'A desktop survey was initially completed before a physical inspection of the area. During this process, no mast/site sharing opportunities or existing buildings/structures were identified.'
15. However, the aforementioned telecommunications mast is located around 40 metres away from the site of the proposed mast. It is unclear why this existing mast was not identified given its size, function and proximity to the appeal site. Whilst it may not be suitable for sharing given its somewhat smaller scale, there is no evidence it was even considered by the appellant.

¹ Section 4 of the Statement of Case.

16. The appellant has also identified a number of alternative sites nearby which were considered and rejected. However, this is not an extensive list and little detailed information has been provided to show the alternative sites and why they were considered unsuitable.
17. From the evidence I have little confidence that the appellant has undertaken a robust assessment of options and site selection.
18. Although not part of my determination, I note that in so far as it relates to the matters contained under relevant parts of Schedule 2, Part 16, Class A of the GPDO, the proposal would conflict with Policies D3 (optimising site capacity through the design-led approach) and D8 (public realm) of the London Plan 2021, Policies DH1 (design) and DH(c) (telecommunication development) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014.
19. The National Planning Policy Framework 2021 (the Framework) is a material consideration with regard to relevant parts of Schedule 2, Part 16, Class A of the GPDO and the proposed development would conflict with Chapter 10 (supporting high quality communications) and Chapter 12 (achieving well-designed places) of the Framework in this regard.
20. For these reasons, the siting and appearance of the proposed development would cause harm to the character and appearance of the area and I am not satisfied that the need for the installation to be sited as proposed has been demonstrated, taking into account potentially suitable alternative sites.

Other Matters

21. Reference has been made to various social, economic and environmental benefits and I note that the appellant has submitted a declaration of conformity with the public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP). However, these matters have not been taken into account in considering the matters of siting and appearance.

Conclusion

22. For the reasons given above, and taking into account all relevant matters, I conclude the appeal is dismissed.

Andrew Parkin

INSPECTOR