



Appeal Decision

Site visit made on 26 January 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2023

Appeal Ref: APP/G5180/W/22/3295465

Oaklands Lane, Biggin Hill, Bromley TN16 3DR

- 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 Hutchinson Networks (UK) Ltd against the decision of London Borough of Bromley.
 - The application Ref DC/21/04162/TELCOM, dated 11 September 2021, was refused by notice dated 8 November 2021.
 - The development proposed is a 15.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

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.

Main Issue

4. 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

5. The appeal site is located on a grass verge close to the junction of Oaklands Lane and Victoria Gardens. To the east lies the residential properties of Victoria Gardens, the closest being no. 96 which is a detached bungalow with large side and rear garden. To the west are open agricultural fields. There are

streetlighting columns intermittently spaced along both sides of Oaklands Lane. The submitted plans state that these are approximately 10m in height. There are also several trees located in the grass verge on the same side of the road as the appeal site. There is an existing telecommunications installation of around 10m in height to the north of the appeal site. This has the appearance of a timber telegraph pole and sits relatively comfortably in the surroundings. There is also an extant consent, secured on appeal¹, for a 15m high telecommunications monopole to the north of the appeal site.

6. The proposed development would be sited in an area of grassed verge where there is a noticeable gap in the tree cover. When combined with the open green belt land to the west, in this context, the proposed development, due to its scale and appearance, would be highly prominent and dominant in the landscape.
7. The area around the appeal site has a distinct spacious and low-rise character. The proposed development would be significantly taller and thicker than the existing streetlighting columns and would be in stark contrast to the natural appearance of the tree line which it would also be significantly taller than. It would be out-of-character with the surrounding area. These factors would greatly increase its prominence and it would stand out as an incongruous and alien feature in the street scene.
8. I have been referred to an extant consent to erect a 15m high telecommunications monopole on the street near to the appeal site. Whilst this consent was allowed on appeal, the Inspector considered that the development would appear as an incongruous feature in the street-scene but that benefits in terms of providing coverage, the need for the installation and that two operators would be accommodated on the installation, outweighed the harm that was identified.
9. Although this installation has not been erected on site, it is an extant consent and a material consideration of moderate to significant weight in the appeal. I share the Council's concern that the combination of the mast allowed on appeal and the proposed development in this appeal would lead to a harmful proliferation of equipment which when taken together would cause significant harm to the character and appearance of the area.
10. For the reasons set out above, the proposed development would cause significant harm to the character and appearance of the area. It would be contrary to Chapter 10 of the Framework, which requires, amongst other things, that equipment on new sites to be sympathetically designed and camouflaged where appropriate.
11. The proposed development would also be contrary to Policies 37 and 89 of the Bromley Local Plan (2019). Collectively, these policies require that development positively contributes to street-scenes, complements the scale of adjacent buildings and areas, and for telecommunications development, regard has been given to locating a site which causes least visual impact subject to operational needs, and any adverse impact on the character and appearance of the area has been minimised.

¹ APP/G5180/W/20/3258843

Other Matters

12. The Framework outlines the significance of high-quality telecommunications infrastructure including in relation to being essential for economic growth and social well-being. 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 have considered the potential proliferation of equipment in my assessment on character and appearance above. The other monopole would be a shared installation for EE UK Ltd. and Hutchison 3G UK Ltd. The sharing of installations reduces the need for separate installations and is something encouraged by the Framework. In the current appeal the installation would serve one of the operators proposed to be accommodated on the consented mast. Although the Framework outlines that decision makers should not question the need for an electronic communications system, there is no substantive evidence why the sharing of the consented monopole is not sufficient in order to meet the requirement of the Framework that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum.
15. The appeal site is in the Green Belt. In an appeal of this nature the principle of development is not a consideration and the question of whether or not the proposal represents inappropriate development in terms of the Green Belt is not applicable. I have considered the effect of the siting and appearance of the development in terms of character and appearance on the area above.
16. 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

17. I do not consider that the public benefits of the installation in terms of an enhanced telecommunications network, its contribution to economic growth, or the operational and locational needs of the operator, outweigh the significant harm that I have identified would be caused to the character and appearance of the area.
18. 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