



Appeal Decision

Site visit made on 24 January 2023

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2023

Appeal Ref: APP/E5330/W/22/3302365

Footscray Road, South End, New Eltham, London SE9 2EH

- 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 Hutchinson Networks (UK) Ltd against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref 22/1468/T3, dated 26 April 2022, was refused by notice dated 6 June 2022.
 - The development proposed is described in the application form as “proposed 15.0m phase 9 slimline monopole and associated ancillary works.”
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (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 principle of development is established by the GPDO, which does not require regard be had to the development plan. I have had regard to the policies of the Royal Greenwich Local Plan Core Strategy with Detailed Policies 2014 (the Core Strategy), The London Plan 2021 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 proposal 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 alternatives.

Reasons

5. The appeal site is located on part of the highway verge alongside Footscray Road, bounded by the footpath and carriageway. The surrounding area features a mix of primarily 2-storey semi-detached and terraced dwellings and so is somewhat suburban. However, it retains a verdant and spacious character due

to the generous tree-lined and grassed verges, sports fields and open spaces close to the site.

6. On the opposite side of the road to the appeal site is a small triangular area of public open space, with trees and other vegetation, overlooked by the semi-detached dwellings on Green Lane and Clare Corner. Immediately to the east of the appeal site is a large warehouse style building with steel cladding. Beyond this is a large expanse of playing fields. The Council advise that the land located behind the application site is designated as Metropolitan Open Land and forms part of the Green Chain.
7. The verge along this stretch of the road includes various elements of street furniture, including a bus shelter, highway posts and signage, bins, street lighting columns, a phone box, and an existing mast and cabinets. Many of these have a slim profile and vertical emphasis however vary in size. Further north along Footscray Road, within the setting of the appeal site, is a petrol station with an illuminated totem sign.
8. The proposal would be appreciably taller than neighbouring buildings and street lighting columns. It would also stand higher than the canopy of some adjacent trees, though would be similar in height to others. The design of the proposed mast is relatively slimline, although it would still be considerably wider than the adjacent street lighting column, particularly at its base.
9. The proportions of the mast would however not appear unduly incongruous amongst the thick tree trunks nearby. Its upper portions would also benefit from an appreciable amount of screening from the canopies of nearby trees, mainly in views in both directions along Footscray Road. In views from the playing fields to the east, the mast would also benefit from an element of screening from the existing building and tall tree adjacent. Viewed from public areas along Green Lane, it would be screened in places by those trees within the open space opposite. Having visited the site in winter, I am satisfied some degree of screening would persist throughout the year due to the density of trees along the verge and elsewhere, and this will be enhanced in summer.
10. While there are dwellings on the opposite side of Footscray Road, these are some distance from the appeal site and the nearest on Clare Corner do not directly overlook it. The intervening public open space and associated trees would provide separation and screening in views from dwellings along Green Lane and the mast would otherwise be seen within the context of the large tree and building behind. It would therefore not feature prominently in views from neighbouring dwellings and would have a limited effect on their outlook.
11. In view of the above, the prominence of the proposal in the wider area would be softened by screening from nearby trees, its relationship to nearby buildings and structures, and the prevalence of other elements of street furniture within its setting. However, due to its size, the proposal would have some degree of impact on the character and appearance of the area, particularly when viewed from public spaces immediately opposite and in closer proximity to the site where there is limited or no screening.
12. In this context, I find that the extent to which the above impact would be harmful would be somewhat contingent on the colour of the mast and how well this integrates with that of its surroundings. The appellant's Site Specific Supplementary Information (SSSI) indicates the type of material and external

colour of the mast would be “Galvanised”. There is otherwise no colour for the mast indicated on the submitted plans or in supporting documents.

13. In the absence of any further information to clarify how the galvanised finish may look in this setting, I consider that this would appear somewhat industrial in what is otherwise a verdant, suburban area. It would also sit in stark contrast to the often darker and more natural colours of other large vertical structures and trees I observed in the vicinity.
14. The appellant states in their appeal statement that the colouring of the equipment can be specified as deemed appropriate. However, there is no further analysis or consideration given to what colour may be suitable for this site. While the Council also suggest a condition to secure final details of materials and colour, 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. There is therefore no mechanism to secure further details with respect to these matters and I must determine the appeal based on the information that is before me.
15. Due to the absence of information to demonstrate the colour of the proposed mast would be appropriate to its setting, I must conclude that the proposed mast would unduly harm the character and appearance of the area.
16. Paragraph 115 of the Framework indicates that communication mast numbers should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. It encourages the use of existing masts. Paragraph 117 states evidence should be provided demonstrating alternatives have been considered.
17. The appellant advises the cell search area is extremely constrained and the only viable site option has been put forward. Figure 5 of the appellant’s Appeal Statement shows there is poor coverage in areas to the south and west of the appeal site. The supporting SSSI states the equipment has to be located in or very close to the location of the ‘nominal’ site. This is indicated to be some distance away from the appeal site further south along Footscray Road. However, this location would be directly overlooked by dwellings on the opposite side of the road.
18. The SSSI considers various other locations along Footscray Road and nearby streets, all within a similar distance from the nominal point as the appeal site, or closer to it. When compared to the appeal site, these alternative sites all appear to be subject to the same, if not more significant, constraints including in terms of their visibility in the street scene and relationship to neighbouring properties. The reasons given for discounting these alternatives, based on the information before me, therefore appear to be reasonable.
19. The evidence before me indicates at least one previous proposal for a mast in this area by this operator has already been refused, and the appeal proposal would represent a lower and more slimline alternative. The appellant maintains that the height at 15m is the very lowest that works effectively and if the height of the monopole were to be reduced below this then the installation would need to be positioned in a more exposed location.
20. The appellant also advises that opportunities for mast sharing have been investigated and exhausted, and that a bulkier design would be required to

facilitate this due to the weight of the equipment. The existing lower mast close to the site along Footscray Road has been highlighted by third parties. However, based on the information before me and my own observations, this would appear inadequate in size to accommodate the required equipment while maintaining its effectiveness, particularly if shared with other operators.

21. I have otherwise not observed nor had brought to my attention any further alternative sites within the parameters of the cell search area that would not be subject to similar, or worse, constraints when compared to the appeal site or those already considered.
22. Notwithstanding the above, while I accept the need for the installation to be sited as proposed taking into account any suitable alternatives, based on the information before me I do not find that this would outweigh the harm to the character and appearance of the area arising from the appearance of the mast.
23. I therefore conclude that the siting and appearance of the proposal would have a harmful effect on the character and appearance of the area. This harm is not outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives. The proposal would therefore be contrary to Policy DH(c) of the Core Strategy. This policy, amongst other things, seeks to ensure proposals for telecommunication development cause minimal visual impact subject to operational needs, and that it is sited, designed, coloured and landscaped so as to minimise visual impact on its setting and local environment.
24. The proposal would also conflict with Policy DH1 of the Core Strategy, and Policies D3 and D8 of the London Plan. These policies, amongst other things, seek to ensure that the public realm is well-designed, and development achieves a high quality of design taking account of the existing urban context, and makes the best use of land. Similarly, the proposal conflicts with Chapter 12 in the Framework, in respect of achieving well designed places.

Other Matters

25. Reference has been made to various social and economic benefits, but these have not been taken into account in considering the matters of siting and appearance. The appellant also considers that the associated ancillary equipment cabinets would otherwise be classified as permitted development without prior approval. This would not alter my findings on the identified harm caused by the mast.

Conclusion

26. For the reasons given above, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR