



Appeal Decision

Site visit made on 16 February 2023

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2023

Appeal Ref: APP/G5180/W/22/3305024

Pickhurst Lane, Bromley BR4 0HN

Easting (x) 539470, Northing (y) 166856

- 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 London Borough of Bromley.
 - The application Ref DC/22/02171/TELCOM, dated 26 May 2022, was refused by notice dated 18 July 2022.
 - The development proposed is 5G telecoms installation: H3G Phase 8 high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), 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 and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have had regard to the Policy 89 (Telecommunications Development) of the London Borough of Bromley Local Plan (2019) (LP), which is referred to in the Council's decision notice, only in so far as it is a material consideration relevant to matters of siting and appearance.

Main Issue

4. In light of the above, the main issue is the effect of the siting and appearance of the proposed installation upon the character and appearance of the area.

Reasons

5. The appeal site is situated within a predominantly residential area. It relates to a section of the footway on Pickhurst Lane which sits alongside Pickhurst Green, a designated 'Urban Open Space' in the LP.

6. The Inspector that dealt with an appeal in 2003¹, described Pickhurst Green as a 'pocket of tranquillity in the built up area'. From what I saw on my site, this remains the case with the expanse of grassland and presence of trees on Pickhurst Green providing a spacious and verdant character to this section of Pickhurst Lane. Other than a bus stop towards one end and a single lamp post towards the other end, there is a notable absence of tall street furniture to the section of footway that sits alongside Pickhurst Green. This further enhances the open characteristics of this part of the street scene which provides for an attractive suburban environment.
7. The 15.0 metre high 5G telecommunications mast would be located within a section of the footway largely devoid of any street furniture of comparable height. The design incorporates bulky apparatus of a utilitarian appearance towards the top of the mast. When facing the site from the opposite side of Pickhurst Lane, the mast would be offset from the denser area of trees within Pickhurst Green. It would also be approximately twice the height of the nearest trees within this backdrop. As a result of these factors, the mast would be a stark and conspicuous addition which would significantly detract from the attractiveness of the street scene and its spacious qualities.
8. In addition, the appellant suggests the associated equipment cabinets would be permitted development. Even so, this apparatus is only required in association with the proposed mast. Together, they would form a line of solid structures which would be at odds with the open character of Pickhurst Green.
9. I conclude that the proposal would have a significantly harmful effect on the character and appearance of the area and in that regard its siting and appearance would be unacceptable.
10. From a siting and appearance perspective, the proposal would also conflict with the character, appearance and visual impact requirements of Policy 89 of the LP.

Other matters

11. The National Planning Policy Framework (the Framework) confirms that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.
12. Paragraph 115 of the Framework confirms that the number of radio and electronic communications masts, and the sites for such installations, 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. Paragraph 117 c) requires that applications for electronic communications development should include evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
13. The Site Specific Supplementary Information (SSSI) provided confirms that there is an acute need for a new base station to provide effective service coverage and that the height of the proposed street pole is the minimum required to bring the benefits of 5G to this area. I recognise that the improvements to the telecommunications network would have the potential to

¹ APP/G5180/A/03/1115344

result in significant associated economic and social benefits for the area. I also accept that the cell search areas for 5G coverage are constrained.

14. However, the 'Discounted Options' in the SSSI all relate to potential sites for a ground-based installation. The SSSI suggests that all attempts to utilise any existing telecommunication structures have been employed. However, the 'Designated Search Area' in the SSSI is not clearly defined nor is the relative position of existing masts shown. Moreover, there is no detailed evidence before me to demonstrate that the possibility of erecting antennas on an existing building, mast or other structure has been fully explored with reasons why any such sites have been discounted.
15. In the circumstances, I cannot be certain that the appeal proposal represents the only option available to meet the cell coverage requirements and associated public benefits. In any case, the significant harm that would result from the siting and appearance of the proposal on the character and appearance of the area is of overriding concern in this instance.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

M Russell

INSPECTOR