



Appeal Decision

Site visit made on 21 February 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 07 March 2023

Appeal Ref: APP/W5780/W/22/3306169

Cameron Road, Seven Kings, Newbury Park, London IG3 8RE

- 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 the Council of the London Borough of Redbridge.
 - The application Ref 1765/22, dated 23 May 2022, was refused by notice dated 13 July 2022.
 - The development proposed is the proposed telecommunications installation: proposed 15.0m Phase 9 slimline Monopole and associated ancillary works.
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Decision

1. The appeal is allowed and 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) for the siting and appearance of the proposed telecommunications installation: proposed 15.0m Phase 9 slimline Monopole and associated ancillary works at Cameron Road, Seven Kings, Newbury Park, London IG3 8RE in accordance with the terms of the application Ref 1765/22, dated 23 May 2022, and the plans submitted with it, including: 002 Site Location Plan Master Drawing No. RDB14872_M004 Issue D dated 13 May 2022; 100 Existing Site Plan Master Drawing No. RDB14872_M004 Issue D dated 13 May 2022; 150 Existing Elevation A Master Drawing No. RDB14872_M004 Issue D dated 13 May 2022; 210 Proposed Site Plan Master Drawing No. RDB14872_M004 Issue D dated 13 May 2022; 260 Proposed Elevation Master Drawing No. RDB14872_M004 Issue D dated 13 May 2022

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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 GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposed installation on: (i) the character and appearance of the area; and (ii) the operation of the nearby railway network 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

Character and appearance

5. The appeal site comprises an area of public footpath on Cameron Road. The surrounds are characterised by a range of uses, with residential and commercial buildings of varying heights and styles visible. The site is located immediately to the south of a railway line and associated infrastructure. An arrangement of trees is present nearby along with CCTV masts. A variety of street furniture and streetlights line both sides of Cameron Road.
6. The proposal seeks to introduce a 15m high monopole and associated cabinets at the site. Due to the presence of lampposts, CCTV masts and signage, vertical structures are common features in the immediate vicinity. As such, even acknowledging its additional height, the monopole would not appear out of place or read as unduly prominent, reflecting the prevalent vertical rhythm of development in the surrounds. Although it would feature a wider pole than the streetlights and mast, with antenna at the top, it would overall remain a slimline addition that would not be so bulky as to appear disruptive.
7. In addition, the proposed cabinets would visually assimilate with the lower level street furniture present near the site, such as the bins and bicycle storage positioned on this section of the highway. An adequate separation distance would be retained from these features to ensure no resulting sense of visual clutter due to the presence of the proposal when combined with existing street furniture.
8. The proposal would be readily visible to passing pedestrians and vehicular users, in addition to occupiers of nearby residential properties. However, when viewed from multiple directions it would be experienced alongside a variety of street furniture and other commercial features, such as the range of infrastructure associated with the railway line. Even acknowledging the position of the proposal towards the middle of the pavement area rather than set back against the boundary wall with the railway, it would integrate in the streetscene and would not appear visually disruptive when viewed in this context.
9. As a result of the surrounding features and mixed use of the area, the proposal would not therefore read as an incongruous addition. It would visually relate to nearby vertical structures and, due to the presence of other commercial uses, would not appear jarring or out of place at the site.
10. For the above reasons, I conclude that the siting and appearance of the proposal would not result in significant harm to the character and appearance of the area.

Railway Network

11. The Council has stated that information relating to potential effects from the proposal on the nearby railway is lacking, such that the possibility remains for the proposal to interfere with the safe and efficient operation of the railway network.

This reflects the consultation response from Transport for London, which seeks submission of details on equipment used during construction and any equipment which may have electromagnetic compatibility issues. It further seeks a risk assessment and method statement, and information on site works methodologies.

12. However, beyond the general concerns raised by the Council and Transport for London, no substantive evidence is before me from these parties to demonstrate that the proposal would cause such interference to the detriment of the railway network operation. As such, I can attach only moderate weight to this matter.
13. 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 communication networks. The appellant has demonstrated that the surrounding area does not have the required 5G capacity to meet demand, which would be addressed by the proposal.
14. The appellant has also submitted details setting out the sequential approach followed, alongside evidence of the consideration of alternative sites, which have been discounted with reasonable justification. The evidence therefore suggests there are no suitable alternative sites for the proposal and that the appellant has exhausted all other reasonable options to address identified 5G capacity issues in this area.
15. Taking the above into account, the moderate weight attached to the potential for the proposal to interfere with the operation of the nearby railway network would be outweighed by the need for the installation to be sited as proposed.

Other matters

16. I note the Council's comments relating to the accuracy of the submitted plans. Following my visit it appears the plans do not reflect the correct placement of all surrounding features such as trees, streetlights and CCTV masts. Nevertheless, the plans accurately indicate the proposed location of the development within the footpath. Based on my observations on site, the proposal would not cause harm to the character or appearance of the area in the proposed location.
17. I have had regard to the concerns raised in relation to crime and anti-social behaviour as a result of the proposal. However, I have no substantive evidence to indicate the equipment would attract or encourage such activity. In any case any anti-social behaviour would have the potential to be controlled by other means outside of the planning system.

Conditions

18. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the Local Planning Authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the Local Planning Authority received the application, and must 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.

19. The GPDO 2015 does not provide any specific authority for me to impose additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

C Rafferty

INSPECTOR