



Appeal Decision

Site visit made on 29 March 2023

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 MAY 2023

Appeal Ref: APP/C5690/W/22/3307897

Area of Footpath, Brockley Grove, Crofton Park SE4 2PH

- 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 & Country (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of the London Borough of Lewisham.
 - The application Ref DC/22/127030, dated 1 June 2022, was refused by notice dated 26 July 2022.
 - The development proposed is installation of an 18-metre-high monopole supporting 6 no. antennas, 4 no. equipment cabinets (including a wrap-around cabinet) and development works ancillary thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The principle of development is established by the Town & Country (General Permitted Development) (England) Order 2015 (as amended) (GPDO) and the provisions of Schedule 2, Part 16, Class A do not require regard to be had to the development plan. Whilst I have had regard to the policies of the Lewisham Local Development Framework Development Management Local Plan (2014) (Local Plan), Lewisham Local Development Framework Core Strategy Development Plan Document (2011) (Core Strategy) and the National Planning Policy Framework 2021 (the Framework), this is only where they are a material consideration relevant to matters of siting and appearance.

Main Issue

3. There is no dispute between the parties that the proposed development would be permitted under Schedule 2, Part 16, Class A of the GPDO, provided it would meet the conditions set out at paragraph A.2 and procedural requirements set out at paragraph A.3 of the Order. From the evidence before me, there is nothing to lead me to a different conclusion.
4. The main issues are therefore:
 - the effect of the siting and appearance of the proposal upon 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, with particular regard to the use of existing masts.

Reasons

Siting and Appearance

5. The proposal would be located on an incidental area of public space at the junction of Brockley Road and Brockley Grove within the local centre of Crofton Park. The area of public space is open and attractive and includes three small trees, cycle parking, a public bin, and a community notice board. Although there is no formal seating, I saw on my visit, people meet in the space, and it presents itself as an area where members of the local community could gather. I also understand that it is where the Crofton Park Christmas tree is located.
6. Brockley Road is a relatively wide highway with frequent traffic and pedestrian movements. It consists predominantly of 2-3 storey terraced buildings, some with some similar gable end features, which provides a degree of uniformity to the street scene and creates some vertical rhythm along the road. There are also lighting columns of a similar height to the buildings positioned regularly along the road, which add further to this rhythm.
7. Notwithstanding this, the appeal site's immediate context includes two single storey retail units, currently an estate agents and flower shop. The lower profiles of these buildings and the additional width of the highway to accommodate the mini roundabout at the junction, provide a sense of spaciousness to this section of Brockley Road and entrance to Brockley Grove.
8. The proposed mast would be significantly taller than the adjacent single storey retail buildings, as well as the surrounding 2-3 storey buildings. Positioned between Brockley Road and Brockley Grove, it would be very prominent in the street scene. Therefore, despite the vertical rhythm provided by the terraced buildings and lighting columns, by virtue of its height, it would dominate the space and appear as an incongruous feature in the street scene. Moreover, it would be coloured black and, although this would match existing street furniture in the area, it would stand out against the mast's backdrop, which would consist predominantly of the sky in many views. Thus, further increasing its dominance.
9. It has been put to me by the appellant that nearby trees would help reduce the visual impact of the proposal. However, while there are trees close to the appeal site, they are generally a similar height or shorter than the surrounding buildings and lighting columns, thus the proposed mast would be significantly taller than them. Given this, they would not help to screen the mast, nor would they help to integrate it with its surroundings to any significant degree. Furthermore, I note that the appellant's Traffic Light Rating Form¹ acknowledges that the location is relatively exposed with little screening.
10. The design of the equipment cabinets is typical of control boxes commonly found along public highways and therefore they would have less of a visual impact than the mast. However, although they would not significantly obstruct pedestrian connectivity across the public space, their positioning would not relate to any of the existing street furniture and/or buildings. Given this, despite being coloured black similar to other street furniture in the vicinity, they would appear bulky, prominent, and intrusive in the street scene rather than blending in.

¹ Part of Appendix 1 – Pre-Application Consultation of the appellant's Planning Appeal Statement of Case, dated 29th September 2022.

11. Accordingly, for the reasons above, the siting and appearance of the proposal would result in significant harm to the character and appearance of the area.

Suitable alternatives

12. DM Policy 39 of the Local Plan and Paragraph 117 of the Framework deal directly with telecommunications masts and infrastructure, including applications for prior approval under the GPDO, they are therefore material in this case. Both require evidence to be submitted to demonstrate that the possibility of erecting antennas on an existing building, mast or other structure has been explored.
13. The evidence before me includes details of the sequential approach that was undertaken to select the appeal site. This approach included the exploration of mast sharing and erecting antenna on existing buildings and structures. The existing mast on the corner of Marnock Road and Brockley Grove was assessed and discounted due to its proximity to the railway. The Beechcroft School building and 437-439 Brockley Road were also assessed and discounted due to the buildings being an insufficient height to provide the required levels of coverage to the target area. From my observations on site there did not appear to be any taller buildings in the immediate area than those assessed.
14. Nevertheless, although other nearby locations for a new ground-based mast were considered and discounted, the extent and detail of the evidence provided is very brief. There is no substantive evidence demonstrating why other areas of land within the search area were not considered and discounted. For example, the western end of Eddystone Road, which is close to tall mature trees that could provide screening for or a backdrop to a mast.
15. In conclusion, while I recognise that the technical requirements of the mast mean it is not possible to reduce its height, I am not satisfied that the significant harm that I have identified to the character and appearance of the area is outweighed by the need for the installation to be sited as proposed.

Other Matters

16. It has been put to me by the appellant that the Council did not afford sufficient weight to the benefits of the proposal in providing enhanced and improved telecommunications infrastructure. However, while I acknowledged the references made to various social and economic benefits, as well as the importance given to telecommunications infrastructure in both the Lewisham Core Strategy and the Framework, they have not been taken into account in considering matters of siting and appearance. The provisions of the 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, and I have determined the appeal on the same basis.

Conclusion

17. For the reasons above, the appeal is dismissed.

Hannah Guest INSPECTOR