



Appeal Decision

Site visit made on 4 May 2023

by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 22 May 2023

Appeal Ref: APP/A2280/W/21/3288041

Brompton Road, Brompton, Gillingham ME7 5QT

- 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 Hutchison Networks (UK) Ltd against the decision of Medway Council.
 - The application Ref MC/21/2659, dated 5 September 2021, was refused by notice dated 29 October 2021.
 - The development proposed is described as '*proposed 15.0m Phase 8 Monopole C/W wraparound Cabinet at base 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 proposed 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works at Brompton Road, Brompton, Gillingham ME7 5QT in accordance with the terms of the application Ref MC/21/2659 dated 5 September 2021.

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.
3. Part 16 of the Order establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
4. Nevertheless, Policies BNE1, BNE18, BNE20 and BNE21 of the *Medway Local Plan 2003* are material considerations as they relate to issues of siting and appearance. Similarly, the National Planning Policy Framework is also a material consideration and this includes section on supporting high quality communications and the conservation of designated heritage assets.

Main Issue

5. The main issues are the effect of the siting and appearance of the proposed installation on the locality; including the character and appearance of the Brompton Lines Conservation Area, the setting of the listed buildings known as Brompton Barracks Gymnasium and Royal Engineers Museum, and the setting of the Scheduled Monument known as Brompton Lines, 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

6. The area surrounding the appeal site is characterised by a mix of buildings and areas of open space; including the King Charles Hotel building which is three storeys high. The surrounding area is a typical urban area with common street furniture paraphernalia including street lighting, brick walls and/or railings, road signs, bus stops, and traffic lights.
7. As shown on submitted drawing MDY15091_M002 Issue B, the proposal would be taller than the adjacent bus stop. It would also likely be, given the relative ground levels, slightly taller than the King Charles Hotel building on the opposite side of the road. However, telecommunication structures are common features in built up areas and the proposal, whilst being visible, would not necessarily be highly noticeable as it would blend in with similar structures such as street lighting and be viewed in the context of nearby trees.
8. Moreover, the proposal would have a vertical emphasis, which would be in keeping with other street furniture in the near locality. The proposal would be visible within the street scene and noticeable in some views from and to Brompton Barracks Gymnasium and Royal Engineers Museum, and the Brompton Lines Scheduled Monument. However, such views would be constrained to a degree by the foliage of existing mature trees. Moreover, due to its siting, height and bulk, the proposed monopole would not appear as an intrusive feature that adversely compromises the street scene and surrounding buildings.
9. The appeal site is located within the Brompton Lines Conservation Area. The listing description for the Brompton Barracks, Gymnasium, Brompton Road indicates that that building is a listed Grade II* building. The Royal Engineers Museum, Brompton Barracks, Prince Arthur Road indicates that this is listed Grade II and is situated around 140 metres from the site. The Brompton Lines Scheduled Monument is located a short distance from the appeal site.
10. The significance of these designated heritage assets within the context of this appeal derives from their aesthetic contribution to the street scene and wider Medway towns. Visitors are able to experience the mix of military-related architecture and features, which are important to the maritime history of Medway. The proposal would result in a change to the setting of these heritage assets through the introduction of strikingly modern communications equipment. It would also alter the character and appearance of this part of the conservation area. Due to its proposed appearance and height, it would fail to preserve the setting of nearby listed buildings, and also the setting of the Schedule Monument as a designated heritage asset.

11. At worst I find that the proposal would result in less than substantial harm on the significance of the nearby heritage assets. Similarly, whilst the proposal would fail to preserve or enhance the character or appearance of the conservation area, this amounts to no greater than less than substantial harm as set out in the *National Planning Policy Framework* (the Framework).
12. In terms of public benefits, I note that the proposal would increase the capacity and coverage of the mobile communications network in this locality. This would accord with the aims of national policy which recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Furthermore, the Appellant indicates that they have considered alternative sites for the proposal, but these were not suitable. There is little evidence to the contrary from the Council that the need for the mast in this location to ensure reliable coverage of the mobile communications network is not present. I therefore find that the public benefits arising from the proposal outweigh the less than substantial harm in this case.
13. Accordingly, I find that the proposal would not result in harmful effect on the locality with respect to siting and appearance. The proposal would therefore accord with the local and national policies set out earlier in this decision.

Conditions

14. 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. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and 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.

Conclusion

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

C Parker

INSPECTOR