



Appeal Decision

Site visit made on 25 April 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 JUNE 2023

Appeal Ref: APP/G5180/W/22/3309258

Land Fronting Sheridan Lodge, corner of Great Elms Road, Homesdale Road, Bromley

- 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 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 for the London Borough of Bromley.
 - The application Ref DC/22/03127/TELCOM, dated 5 August 2022, was refused by notice dated 23 September 2022.
 - The development proposed is a proposed 5G telecoms installation: H3G 20m street pole with additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address included in the application form does not accurately reflect the location of the proposal. Both the appeal form and the Councils Decision Notice also have variations in respect to the address and there is no evidence that any of these changes were formally agreed. The address included on the Councils Decision Notice more accurately reflects the location of the proposal as shown on the submitted plans which were consulted upon and determined by the Council and are now the subject of this appeal. As no parties' interests would be prejudiced, in the interests of clarity I rely upon that latter address for the purposes of the heading above.
3. The principle of development is established by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), and the provisions do not require regard to be had to the development plan. Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) 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. My determination of this appeal has been made on the same basis.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposed telecommunications equipment 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.

Reasons

Character and appearance

5. The appeal site is located adjacent to the footpath at the corner of Great Elms Road and Homesdale Road (B265) outside a flatted development known as Sheridan Lodge. The area is mainly devoid of street trees, although there are a few sporadic specimens along Homesdale Road including several trees opposite the site, albeit they are set further back into Woldham Road. The surrounding area is mixed-use with residential and commercial facilities in close proximity to one another. The appeal site marks a transitional point where the character changes from traditional 2 storey developments to a denser residential vernacular of greater height and with an increased vertical emphasis.
6. The proposed telecommunications equipment comprises a 20m high H3G Phase 8 Street Pole with wraparound cabinet, along with 3 cabinets at ground level all of which would be green in colour (RAL 6009). The location of the telecommunications apparatus is set back from the carriageway on the footpath and the proposal would front Homesdale Road.
7. At 20m in height the proposal would be significantly higher than the existing street furniture including street light columns and would therefore fail to minimise visual impact upon the street scene. Furthermore, due to the girth of the pole, it would appear heavy set, in comparison to the existing slender streetlight columns. The circumference coupled with the antennae attached to the proposal, would produce a top-heavy appearance setting it apart from the lighting columns and other street furniture in the area. As such, the 20m high H3G Phase 8 Street Pole and apparatus would appear dominant and intrusive in the street scene.
8. The appellant claims that the appeal site was chosen as it benefits from the presence of existing trees, which they consider would further reduce any visual impact. From my site observations, I found views of the site relatively open, and whilst it is acknowledged that there are street trees and other street furnishings in the immediate area, these are some distance from the appeal site, and would not screen the pole even though the low level screening would, in part, obscure the proposed equipment cabinets.
9. The positioning outside Sheridan Lodge at the junction between Great Elms Road and Homesdale Road would mean the pole would appear highly visible in views along Homesdale Road, particularly as one approaches the site from the northeast. Given the location, the 20m high H3G Phase 8 Street Pole would project above most of the buildings. As such, the overly prominent appearance and location of the equipment would be out of keeping with the street-scene, representing a dominant visual intrusion which would be harmful to the character and appearance of the area.

Suitable alternatives

10. The Government is committed to supporting the deployment of next-generation mobile infrastructure. This is generally reflected in the Framework. However, while there would be various social and economic benefits arising from the proposal, it is important that any harm, such as that identified above, is

minimised in the pursuit of these objectives. The appellant has provided details of its sequential approach to site selection, providing details of sites and proposals within the target coverage area which have been considered as alternatives to this proposal and discounted. However, the extent and detail of that evidence is very brief.

11. The appellants have indicated that there were no mast sharing opportunities or existing structures or buildings within the locality which were suitable for telecoms development. As a result, a new base station has been sought. Details have also been supplied in respect of 6 alternative sites which have been discounted for a range of reasons, which include impacts on residential amenity, unsuitable pavements and visibility splay issues. With regard to Site D1, this was discounted for being "very residential". However, there is no further justification for the appeal site selection, despite it also being in close proximity to an arguably more densely populated residential area.
12. Furthermore, I have been presented with no substantive details why other areas of land in the vicinity, such as the Havelock Recreational Park or Waldo Road were not considered and discounted. It is clear to me that there are other sites which could have been considered as an alternative to the appeal site. Given the sparse level of detail for the discounted sites and lack of justification in respect to alternatives, it is difficult to understand how, or why the choice of the appeal site was arrived at.
13. In this regard, I find that the search and assessment of alternative sites is not sufficiently robust. Consequently, the harm I have identified is not outweighed by an overriding need for the installation to be sited as proposed.

Planning Balance

14. Paragraph 114 of the Framework provides that, amongst other things, planning decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. The proposal would provide benefits through the upgrade to digital telecommunications in this area, allowing for additional coverage and capacity, including 5G technology in the locality. The wider benefits have effectively been recognised by the grant of planning permission under Article 3(1) of the GPDO and I have only had regard to them insofar as they relate to the siting and appearance in the context of this case. These factors weigh in favour of the proposal.
15. However, a balance should be struck between visual impact and the need for the proposal to be sited at the appeal site. I have identified that harm would arise to the character and appearance of the local area by siting the 20m high H3G Phase 8 Street Pole here. It would appear dominant and visually incongruous. Furthermore, in the absence of sufficient evidence on alternative and discounted options, it has not been demonstrated that the appeal site is the only viable solution with regards to supporting high quality communications.
16. In reaching this conclusion, I have had regard to the National Planning Policy Framework and policies 37 and 89 of the Bromley Local Plan, adopted January 2019 insofar as they relate to the prior approval matters which seek to minimise the impact of telecommunications apparatus.

Conclusion

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

Robert Naylor

INSPECTOR