



Appeal Decision

Site visit made on 4 May 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2023

Appeal Ref: APP/B5480/W/22/3309515

Gooshays Drive, Harold Hill, Romford RM3 8YJ

- 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 Network CK Hutchison Networks (UK) Ltd CK Hutchison Networks (UK) Ltd against the decision of London Borough of Havering.
 - The application Ref M0002.22, dated 26 March 2022, was refused by notice dated 17 May 2022.
 - The development proposed is a 15.0m Phase 9 super slimline Monopole and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Order 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 Order, and the provisions therein do not require regard be had to the development plan. I have had regard to the policies of the development plan, any related guidance and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed development on 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 having regard to the potential availability of alternative sites.

Reasons

5. The appeal site is located on an area of footpath on Gooshays Drive. It is located within a predominantly residential area of mainly two storey properties, with some three storey properties including blocks of flats. It is situated

adjacent to an area of open space that is surrounded and overlooked by residential properties. The open space serves to give the area a sense of spaciousness which is a positive aspect of its character and appearance. Although being located on an area of footpath, the appeal site appears very much as part of the open space from a visual perspective.

6. This section of Gooshays Road contains several street-trees that are sited along its length. The majority of the street lighting columns are located on the opposite side of the road, with no lighting columns being located on the section of footpath onto which the installation is proposed.
7. The proposed installation has been amended from a previous proposal that was dismissed at appeal¹. The Council have set out that the current proposal is slimmer than the previous proposal with the headframe being reduced in size on the current proposal. The proposed installation is the same height as the installation previously considered.
8. In the previous appeal, the Inspector dismissed the appeal on the grounds that, amongst other things, the installation would be noticeably taller than any of the surrounding trees, buildings or other installations. It was considered that it would therefore not assimilate with the existing development and would completely dominate the street-scene. It was concluded that it would cause unacceptable harm to the character and appearance of the area. Although I am not bound by the previous Inspector's findings and have considered the appeal proposal on its own individual planning merits, the decision and its findings are a material consideration which I have given significant weight.
9. I acknowledge that the current proposal has gone some way to addressing the previous concerns, particularly in relation to the thickness of the headframe and antenna. Due to its height, which is unchanged from the previous proposal, and its overall thickness, it would nevertheless remain a highly prominent installation that would be out of keeping with this low rise, predominantly residential area. I acknowledge that the nearby trees would provide an element of screening. The proposed installation would be sited where there is a noticeable gap in the street trees and would also be significantly taller than the trees, with limited to no screening being provided when viewed from across the open space or directly towards it. Furthermore, any screening would be reduced when the trees are not in leaf.
10. The monopole would also be significantly greater in height than the existing streetlighting columns and would depart from their regular spacing on the opposite side of the road. Its appearance would be sudden and abrupt, where it would appear exposed and highly discernible. The proposal would appear isolated and stand out as an incongruous feature. It would also add to the visual clutter and would cause harm to the spacious character and open appearance of the area.
11. The appellant has set out a number of discounted options. In the previous appeal, the Inspector set out that there was limited substantial evidence for discounting sites including the use of buildings. This is also the case in the current appeal, and I am therefore likewise not convinced that less harmful alternatives have been fully considered and this weighs against allowing the appeal.

¹ APP/B5480/W/21/3278957

12. I note that as the appellant highlights, the site is not within an area with a statutory designation for a particular protection such as for heritage or ecological purposes. The lack of harm to such a protected area does not sufficiently weigh in favour of the proposal to overcome the harm I have identified.
13. For the reasons set out above, the proposed development would cause significant harm to the character and appearance of the area. It would conflict with the Framework, which requires, amongst other things, that equipment on new sites to be sympathetically designed and camouflaged where appropriate.
14. In regard to those policies of the development plan that are relevant to the matters of siting and appearance, the proposal would conflict with Policies 25 and 26 of the Havering Local Plan (2021) and Policies D4 and SI6 of the London Plan (2021). These policies require, amongst other things, that telecommunications equipment integrates successfully with the scale, character and appearance of the space it is located and the surrounding area.

Planning Balance and Conclusion

15. I do not consider that the public benefits of the installation in terms of the contribution to the telecommunications network, its contribution to economic growth and the operational and locational needs of the operators outweigh the significant harm that I have identified would be caused to the character and appearance of the area due to its appearance and siting in this particular location.
16. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR