



Appeal Decision

Site visit made on 28 March 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 JUNE 2023

Appeal Ref: APP/G5180/W/22/3306795

Crofton Lane opposite 119 Crofton Lane, Petts Wood, Orpington BR5 1HB

- 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 London Borough of Bromley.
 - The application Ref DC/22/02423/TELCOM, dated 16 June 2022, was refused by notice dated 5 August 2022.
 - The development proposed is proposed 5G telecoms installation: 16m high street pole and 3 additional ancillary equipment cabinets and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposal 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. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have had regard to Policies 37 and 89 of the London Borough of Bromley Local Plan (2019) (BLP), which are referred to in the Council's decision notice, only in so far as they are a material consideration relevant to matters of siting and appearance.
4. Contrary to what is stated within the appellant's appeal statement, the submitted elevation plan does not show the mast set into a wraparound cabinet at ground level. The submitted drawings depict the proposed telecommunications equipment comprising a 5G street pole that would stand 16 metres high with associated antennae and a GPS module mounted atop, along with 3 cabinets at ground level. I have assessed the appeal on the basis of this drawing.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposal upon the character and appearance of the area.

Reasons

6. The appeal site is located within a predominantly residential suburban area. The site, which is not within a conservation area, is positioned on the public footway in front of a wide grass verge with a line of trees, beyond which is a recessed shopping parade, with two storeys of residential flats located above. There is a variety of street furniture in the vicinity of the site such as streetlighting columns, telegraph poles, road pole signs, bus shelters, controlled pedestrian crossing points, litter bins, bollards, and small roadside equipment cabinets.
7. Whilst it may not be located directly in front of residential properties, the proposed street pole would be much thicker and taller than the adjacent lampposts, demonstrating the discreet design of the latter rather than the similarity and visual acceptability of the former. Furthermore, the antennae and GPS module attached to the pole, would create a top-heavy appearance. As such, from close vantage points, the street pole would appear quite dominant and intrusive in the street scene.
8. I understand from the evidence that 16 metres is the lowest height required to provide the improved 5G service need identified for the area, and that such poles are often found in urban locations. However, the street pole would also be significantly taller, bulkier and more prominent than the existing street furniture in the area. This is despite its proposed green colour which the appellant suggests would assist its assimilation into the streetscene.
9. As a result of its positioning forward of the grass verge and the nearby trees, it would have minimal screening. The pole would appear as an isolated structure which would be incongruous in this context and would appreciably detract from public views, including long range views from both the north and the south on Crofton Lane.
10. Although the grass verge would provide physical separation, the street pole would be sited in front of the residential flats located on the upper floors of the shopping parade. As a result of its height, the top of the monopole would project significantly above the top of this adjoining building, creating a looming presence.
11. The proposed ancillary equipment cabinets would be of fairly modest size and would not be dominant features in the context of the other nearby street furniture, including the lampposts and existing cabinet box.
12. Taking all of the above into account, I find that by virtue of the siting, height and bulk of the street pole, the proposed installation would cause unacceptable harm to the character and appearance of the area. It would therefore conflict with Policies 37 and 89 of the BLP, which seek to promote high quality design that respects its location.

Other Matters

13. The new site is required to meet CK Hutchison Networks (UK) Ltd operational requirements and to provide much needed coverage to this densely populated area. I note the support in the National Planning Policy Framework (2021) (Framework) for high quality communications, and that advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. I also note that decisions should support the

expansion of the communications network, and that the delivery of 5G infrastructure is specifically referenced. However, I must balance this against the requirement for equipment to be sympathetically sited and designed, as well as the overarching imperative in the Framework for development to achieve well-designed places for the long term.

14. In this case, the appellant's evidence demonstrates that there is a need for a new mast in the area. In accordance with the advice at paragraph 118 of the Framework, the Council does not question the need for improved coverage.
15. Paragraph 117 of the Framework states that evidence must be supplied to demonstrate that alternatives have been taken into consideration. During the site identification process a desktop survey was undertaken, and no mast or site sharing opportunities or existing buildings or structures were identified. The appellants considered four other sites but concluded that they were not suitable alternatives and that there are no sequentially preferable sites. As described by the appellants the sites were discounted for a variety of access, highways reasons and because two of the sites were considered to be in close proximity to residential properties. From the information provided, these two discounted sites appear to be a similar distance from residential properties as the appeal site.
16. The selection of only four alternative sites seems fairly limited in scope. Overall, I find that there is a lack of substantive evidence that there is not a more suitable site. Even if the chosen site is the most suitable location, there is limited evidence provided to demonstrate that there are no alternative less harmful design solutions.
17. On the evidence before me, the development would comply with the guidelines published by ICNIRP. As such, the Framework advises that health safeguards are not something which a decision-maker should determine. No substantive evidence is before me to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified. I also note that the Council did not object to the development for these reasons.

Planning Balance and Conclusion

18. I have assessed the siting and appearance of the proposal mindful that it is permitted development and has been accepted in principle. It would meet a need to site an installation in this location. I give considerable weight to these matters in support of the proposal. However, the installation would cause unacceptable harm to the character and appearance of the area. I give substantial weight to this consideration and it is a determining factor against the proposal. Accordingly, in this case, the benefits of the proposal would not outweigh the harm that I have identified.
19. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR