



Appeal Decision

Site visit made on 11 July 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2023

Appeal Ref: APP/G5750/W/22/3312665

Barking Road Street Works, Barking Road, Newham E13 8EQ

- 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 the Council of the London Borough of Newham.
- The application Ref 22/02108/PRETEL, dated 26 August 2022, was refused by notice dated 4 November 2022.
- The development proposed is described as 5G telecoms installation: H3G 16m street pole and additional equipment cabinets.

Decision

1. The appeal is dismissed.

Procedural 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 Council 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. The principle of development is established by the GPDO and there is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, I have had regard to the policies of the development plan, including policies D1, D3, D4, D8 and SI 6 of the London Plan (LP) (2021) and policies S1, S6, SP1, SP3, SP7 and SP9 of the London Borough of Newham Local Plan (NLP) (2018), insofar as they are relevant to matters of siting and appearance. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration, and this includes a section on supporting high quality communications.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed installation 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 taking into account any suitable alternatives.

Reasons

5. The appeal site is an area of pavement at the junction of Barking Road and Croydon Road. Barking Road features a mixture of built form comprising two

and three storey terraced properties with commercial uses at ground floor and residential above. Adjacent to the appeal site is a car park associated with a church, and along Croydon Road are two and three storey terraced dwellings.

6. The mast and equipment cabinets would be erected at the rear edge of the pavement. Existing street furniture includes street lights, road signs and there are a number of trees on the opposite side of Barking Road to the appeal site. Vertical features are otherwise limited, and while I note that 16 metres would appear to be the minimum height of the proposed mast for operational reasons, it would be significantly taller than any of the surrounding street lights and road signs. It would also be of heavier proportions and would be topped with relatively bulky antennas.
7. The proposed mast would be in a section of the street which is relatively open and exposed due to the car park and single storey church buildings adjacent to the appeal site. Moreover, it would be sited in a particularly prominent corner location where there is extensive passing foot traffic and vehicle movements in this designated Key Movement Corridor where the proposed development would draw the eye and be strident.
8. As a result, it would not blend into the townscape and would be conspicuous from several directions for pedestrians and drivers. While the location of the proposed mast has been chosen to not be directly in front of residential properties, owing to the prevailing open character of the area the visual intrusion of the proposed mast would be readily apparent to occupiers of the flats on the opposite side of Barking Road and on Croydon Road.
9. There are trees spread out on Barking Road, including on the opposite side of the road to the appeal site. However, the proposed mast would be set apart from them and as such, they would not help to mitigate the visual effects of the proposal. While I note that the proposed installation is designed with urban, roadside locations in mind, and that the area is not subject to heritage or other policy constraints, the proposed mast would nevertheless be a visually intrusive feature. The level of intrusion could not be adequately mitigated through alternative paint colour, and in any event the GPDO does not provide any authority for imposing conditions to secure such measures.
10. Paragraph 114 of the Framework outlines that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and planning decisions should support the expansion of electronic communications networks. The appellant's submissions demonstrate the need for the proposed installation, to support the roll-out of 5G coverage and to improve service in and around the Barking Road area. I acknowledge the numerous economic and social benefits arising from a 5G network which are clear public benefits of the proposal to which, in accordance with the Framework, I have had appropriate regard.
11. The appellant has set out the sequential approach in relation to suitable alternative sites for the proposed development. It is stated that there are no realistic options for mast sharing or utilising existing structures and a number of alternative locations for the siting of the proposal have been identified within a cell search area that I acknowledge is constrained in size.
12. The reasons why the alternative sites have been discounted include limited pavement width and proximity to residential properties. I observed the

pavement to be narrow at the sites on Croydon Road and Ingal Road which would also be in proximity to residential properties. Three alternative sites are along Barking Road and have been discounted due to limited available space. However, the pavement width in these locations is comparable to the appeal site. There is insufficient evidence before me that outlines this difference in approach. In result, I am not persuaded that there is insufficient space to accommodate the proposal in the alternative locations. Consequently, based on the evidence before me, I am not satisfied that a robust review of the availability of alternative sites within the search area has been undertaken to demonstrate that the appeal site represents the only viable option.

13. To conclude, I find that the siting and appearance of the proposed installation would be harmful to the character and appearance of the area. Insofar as they are material considerations, the proposed installation would be in conflict with policies D1, D3, D4, D8 and SI6 of the LP and policies S1, S6, SP1, SP3, SP7 and SP9 of the NLP. These policies, amongst other things, seek to ensure development is of a high quality and suitably located, having regard to local character and distinctiveness.

Planning Balance and Conclusion

14. I acknowledge that the appellant has demonstrated that there is a particular need for the proposed telecommunications equipment in the area to maintain network coverage. Moreover, the Framework supports the expansion of electronic communications networks, including next generation mobile technology and there would be important social and economic benefits from the proposed development which weigh in favour of the appeal.
15. However, I afford significant weight to the harm to the character and appearance of the area arising from the siting and appearance of the proposed development. I am not convinced that less harmful alternative sites have been properly explored and it is my overall view that the need for the proposed development does not in this case, outweigh the harm to the character and appearance of the area.
16. For the reasons given above, and having regard to all relevant matters raised, I conclude that the appeal should be dismissed.

F Harrison

INSPECTOR