



Appeal Decision

Site visit made on 18 July 2023

by J Wellstead BA(Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2023

Appeal Ref: APP/U5360/W/22/3304507

Cassland Road SWS, Cassland Road, London E9 5DA

- The proposal 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 London Borough of Hackney.
 - The application Ref 2022/1138, dated 6 May 2022, was refused by notice dated 29 June 2022.
 - The development proposed is a proposed telecommunications installation: Proposed 'slim line' phase 8 monopole c/w wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated ancillary works.
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Decision

1. The proposal 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 a proposed telecommunications installation: Proposed 'slim line' phase 8 monopole c/w wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated ancillary works in accordance with the terms of the application Ref 2022/1138 dated 6 May 2022, and the plans submitted with it including 005 crane location, 215 proposed site plan and 265 proposed site elevation.

Preliminary Matters

2. Because this is an application for prior approval the provisions of the Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO 2015) 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. This proposal will be determined on that basis.
3. The provisions of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan (and 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.
4. The Decision Notice refers to paragraphs 42-46 (Supporting high quality communications infrastructure) of the National Planning Policy Framework 2019. This is an old version which has been superseded with a new version in

2021, I have had regard to paragraphs 114-118 (Supporting high quality communications infrastructure) in determining this decision.

Main Issues

5. The main issues are:

- i) The effect of the siting and appearance of the proposed installation on the character and appearance of the area;
- ii) Whether any harm would be outweighed by the need for the installation.

Reasons

Character and appearance

- 6. The proposal is for a 15m monopole with wraparound cabinet at its base and three additional equipment cabinets to be located on an existing footway on Cassland Road, opposite the junction to Christie Road. There are a mix of properties in this section of the road, including terraced dwellings and a three-storey commercial premises opposite the proposal site and Vaine House, a six-storey residential block of flats, set back from the footway behind the proposal site. Trees and a wide grassed area in front of Vaine House contribute positively towards a verdant character.
- 7. The Victoria Park Conservation Area (CA) is located 40m south of the site along Christie Road and features areas of historical and architectural interest. The nearest part of the CA to the proposal features two-storey 19th century terraced housing. The proposal would be visible from the north end of Christie Road, and therefore would be within the setting of the CA, but in views which would also include the backdrop of the much larger Vaine House. It would also be seen in the context of the proliferation of communication equipment already in the area, including telegraph poles and satellite dishes. The footway near the proposal site contains a bus shelter, lamp posts, traffic signals and cabinets. There are also a large number of mature trees between the footway and the six-storey block.
- 8. The proposal is intended to provide 5G connectivity to the local residential area, which currently has a coverage hole. Due to its height and siting within the footway, the proposal would be readily visible to those travelling in both directions along Cassland Road, and in longer views from Christie Road.
- 9. The proposed development would be of functional appearance. The antenna would be formed in a relatively compact design at the head of the pole, with several cabinets at ground level. Both the pole and the cabinets would be painted black which would assist them to blend in with the existing streetlights.
- 10. The monopole would be of slightly greater height than the trees and lamp post at the proposal site, but lower than the ridgeline of the building behind it. Although Vaine House is set back from the footway, its significant height and bulk would provide a backdrop for the proposal that will prevent the monopole from appearing unduly jarring in the Cassland Road street scene.
- 11. Despite being taller and wider than the street lighting columns, such installations are an increasingly common and expected sight on footways along busy roads in urban areas such as this. Nevertheless, the height and siting of the mast would result in it appearing prominent and incongruous from within

the CA. This would result in less than substantial harm to the significance of the CA.

12. I have taken into account Policies PP1 and LP1 of the Hackney Local Plan 2033¹ and Policies D4 and D8 of The London Plan 2021. Amongst other considerations these seek to ensure wide, clear and level pavements, avoiding unnecessary clutter and that the public realm is well-designed. I have also had regard to the aims of the Framework of achieving well-designed places and supporting high quality communications.

Need for the installation

13. The Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. The Framework also requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
14. Applications for telecommunications development should be supported with the necessary evidence to justify the proposal. It is evident from the information provided by the appellant that there is a need for improved network coverage in the area. The proposal would provide significant benefits through the upgrade to digital telecommunications in this part of Hackney, allowing for additional coverage and capacity.
15. The appellant has supplied additional information regarding the site selection process and has explored several other siting options. After due consideration all were discounted for various reasons including pavements being too narrow, the proximity of residential properties and possible visibility issues. The evidence indicates that there are also no readily identifiable opportunities to share existing sites or masts or suitable buildings or other structures within the targeted area. In particular, existing mast infrastructure would appear not to be capable of supporting additional equipment which could extend into the target area and prospective in-fill mast sites are limited.
16. There is no substantive evidence that challenges the rationale for discounting the alternatives that have been considered and I have no robust evidence before me to suggest that there would be other more suitable sites. The lack of realistic alternative options to deliver improved coverage and capacity is a consideration which weighs strongly in favour of the development. In this case, the moderate harm resulting from the siting and appearance of the proposal would be outweighed by the public, social and economic benefits provided by the improved coverage and capacity for the local community.

Conditions

17. Any approval granted for the proposal under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning

¹ Hackney A Place for Everyone, Hackney Local Plan 2033, Strategic Planning, Adopted July 2020.

authority received the application, and must 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

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

J Wellstead

INSPECTOR