



Appeal Decision

Site visit made on 30 August 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2023

Appeal Ref: APP/E5330/W/22/3312713

Raglan Road Street Works, Raglan Road, Plumstead SE18 7EX

- 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 Royal Borough of Greenwich.
 - The application Ref 22/3344/T3, dated 6 October 2022, was refused by notice dated 15 November 2022.
 - The development proposed is a 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council refers to a number of development plan policies in its decision notice. However, 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 the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.

Background and Main Issues

3. 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 GPDO), planning permission is granted for electronic communications apparatus subject to the conditions set out in Paragraph A.2.
4. 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.
5. One of the Council's reasons for refusal refers to insufficient evidence showing that the relevant Civil Aviation Authority had been notified in writing in accordance with the requirements of the GPDO. Accordingly, the main issues in this appeal are whether sufficient evidence has been provided by the appellant to demonstrate that they have complied with the conditions under A.2 (5A), Class A, Part 16, Schedule 2 of the GPDO with specific regard to whether the Civil Aviation Authority or operator of the civil safeguarding area has been notified.

6. If these conditions are met, I would then consider 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

Notification of Civil Aviation Authority or operator of civil safeguarding area

7. One of the conditions set out in the GPDO is that development which consists of the installation of a mast on a civil safeguarding area is permitted subject to the developer notifying the Civil Aviation Authority or the operator of the civil safeguarding area in writing at least 28 days before development begins. The parties agree that this condition applies to the proposal. Appendix 1 of the appellant's appeal statement includes an email dated 13 September 2022, notifying London City Airport and the Civil Aviation Authority of the proposal so I am satisfied that this condition is met.
8. Consequently, I conclude that the proposed development complies with the conditions under A.2 (5A), Class A, Part 16, Schedule 2 of the GPDO.

Siting and appearance

9. The appeal site comprises part of a corner triangle of pavement, located on the junction of the busy Raglan Road and Sandbach Place which slopes down. A primary school sits adjacent to the site and is set down from it. There are also two storey dwellings and a large residential tower block in the vicinity. These buildings are separated from the site by an open space on the opposite side of Sandbach Place, roads, and parking areas which give a sense of openness to the locality. The site is not affected by any heritage or environmental designations.
10. Various street furniture exists near the appeal site, including streetlights which provide vertical features at regular intervals. There are also mature trees said to be up to 10m in height and a high metal fence just behind. The proposed pole would sit on the back edge of the pavement alongside the fence and trees, with the equipment cabinets alongside it, leaving sufficient space for pedestrians using the pavement and not directly in front of any residential properties.
11. The grey coloured 15m mast would be the lowest required to provide improved 5G coverage in the area, but it would be much taller and have a substantially thicker profile than the existing street furniture. Although the trees would provide a partial backdrop, the mast would project above them. Due to its height and location at the top of Sandbach Place, above the school buildings and close to an open space, the mast would be seen against the skyline and would be particularly prominent and incongruous in views when travelling westbound along Raglan Road. It would appear as an intrusive feature that would harmfully detract from the character and appearance of the area.
12. The proposed ground-based cabinets would be utilitarian in their appearance. Given their relatively low height set against the fence and trees, they would not harm the established character of the immediate vicinity and would not be evident in views from surrounding roads.

13. I note that the National Planning Policy Framework (the Framework) supports the provision of advanced, high quality and reliable communications infrastructure and that the government supports the rollout of the 5G network. However, I must balance this against the Framework's requirement for new sites to be kept to the minimum necessary and for equipment on new sites to be sympathetically designed and camouflaged where appropriate, as well as the overarching imperative for development to be sympathetic to local character and achieve well-designed places.
14. The Council has not disputed the appellant's need for improved 5G coverage, and I see no reason to take a different stance. For new masts, the Framework requires evidence be provided that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. Although the appellant states that opportunities for sharing masts or sites and using existing buildings or structures were considered, there is limited evidence of the sites and structures explored and the reasons for ruling them out.
15. The supporting information refers to the intended target/search area having a radius of approximately 100m, centred over Raglan Road and Sandbach Place. The aerial map showing the intended cell/target area relative to other sites in the wider locality is insufficiently clear and the circled area does not appear to relate to the current proposed location. Six other sites were discounted on the grounds of unsuitable or insufficient pavements, visibility splay issues or proximity to residential development. Given that the search area for alternative sites is not clear, I cannot be satisfied that this is the only site on which the development could be located or that the discounted options are the only reasonable alternatives that could have been considered.
16. Consequently, I conclude that the siting and appearance of the proposed installation would harm the character and appearance of the area. I am not convinced that less harmful alternatives have been properly explored and I consider that the need for the installation in this case does not outweigh the harm.
17. Insofar as they are a material consideration, the proposal would be contrary to Policies D3 and D8 of the London Plan 2021 and Policies DH1 and DH(c) of the Royal Greenwich Local Plan: Core Strategy with Detailed policies 2014. These policies require developments to positively contribute to the improvement of the built environment and telecommunications installations to be sited and designed to minimise visual impact, amongst other things.

Other Matters

18. Reference has been made to various social and economic benefits, but these have not been taken into account in considering the matters of siting and appearance.

Conclusion

19. For the reasons given above, I conclude that the appeal should be dismissed.

A Wright

INSPECTOR