



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: 9 October 2023

Appeal Ref: APP/E5330/W/23/3317483

Highways Land between Miles Drive and Merbury Road, Thamesmead, London SE28 0NB

- 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 & 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 22/4009/T3, dated 24 November 2022, was refused by notice dated 23 January 2023.
 - The development proposed is the installation of a 17m pole inc. antennas, ground based apparatus and ancillary development.
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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 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 Council and the appellant refer to a number of development plan policies. 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. In this context, I have considered Policies D3 and D8 of the London Plan 2021, Policies DH1 and DH(c) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014 and the National Planning Policy Framework (the Framework). 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.
4. The address of the appeal site given on the planning application and appeal forms is 'Highways land, Miles Drive, Thamesmead, London SE28 0NB'. The Council cites the address as 'Highways Land between Miles Drive and Merbury Road, Thamesmead, London SE28 0NB' on its decision notice which I have used in the banner above as this is a more accurate description of the address.

Main Issue

5. 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

6. The appeal site is part of a grass verge between Miles Drive and Merbury Road, east of a roundabout which also serves Warepoint Drive. It lies in a suburban residential area, with houses and a block of flats facing the junction. The verges around the roundabout give a sense of openness to the locality. There is various street furniture nearby, including streetlights which provide vertical features at regular intervals around the junction, and some trees about 6-8m high. The site is not within and does not affect the setting of any heritage or environmental designations.
7. The 17m high pole would be below the 25m allowed by permitted development rights but this is subject to the GPDO condition requiring prior approval for siting and appearance. The appellant states that it is needed to ensure that radio waves travel above buildings over a wide area. Although the simple streetpole form would have less visual impact than other 5G designs, the mast would be considerably higher and have a substantially thicker profile, particularly where it would accommodate antennas at its upper levels, compared to the existing streetlights.
8. The location of the pole on a flat, wide area of verge beside the roundabout means that it would be positioned in a highly visible, open location. It would protrude significantly above the existing tree canopies and two storey dwellings around this part of the junction. Whilst its siting would not be detrimental to highway safety, due to its height and location, the mast would be particularly dominant and incongruous in views from Miles Drive and Warepoint Drive where the top part of it would be seen against the skyline.
9. For these reasons, the mast would be in stark contrast to the character and appearance of the surrounding area. It would be visually prominent in near and longer distance views towards the roundabout and in those views would appear as an unusual and discordant feature. Consequently, it would have an adverse visual effect. Although the documents indicate that the grey colour of the column could be amended, this would not adequately reduce the harmful visual impacts of the proposed development.
10. The proposed ground-based cabinets would be utilitarian in their appearance. However, given their relatively low height set against a backdrop of trees and houses and the grassed space that would remain around them, they would not harm the established character of the immediate vicinity and would not be evident in longer distance views from the surrounding roads.
11. I note that the Framework supports the provision of advanced, high quality and reliable communications infrastructure and the government's support for the rollout of the 5G network. However, it also requires new sites to be kept to the minimum necessary and for equipment to be sympathetically designed and camouflaged where appropriate, as well as requiring development to be sympathetic to local character and achieve well-designed places.

12. The Council has not disputed the appellant's need to provide additional capacity on its 4G network and new 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.
13. The appellant states that the design and height of houses are not suitable for accommodating heavy, tall antennas and, in any event, householders are unlikely to agree to their installation on the roofs or gardens of their properties. There are also blocks of flats in this predominantly residential area and there is limited evidence that these would be unsuitable or have been considered for the installation. Furthermore, it is not clear what consideration has been given to using existing masts or other structures.
14. The supporting documentation refers to the very small search area for the new installation. However, the evidence fails to adequately substantiate the reason for the size of the limited search area or show the extent of this. Nine other sites were considered and discounted for several reasons. Some of these seem similar to the proposed site or are within areas of public open space but it is not clear why these would be more harmful than the proposed location. Therefore, the information is insufficiently robust to show that this is the only site on which the development could be located.
15. 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 does not outweigh the harm.

Other Matters

16. 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.
17. The appellant has provided a certificate declaring that the proposal conforms with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) public exposure guidelines. In these circumstances, the Framework advises that health safeguards are not something which a decision maker should determine and, as such, it does not weigh in favour of the proposal.

Conclusion

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

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INSPECTOR