



---

## Appeal Decision

Site visit made on 18 July 2023

**by M Cryan BA(Hons) DipTP MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26<sup>th</sup> October 2023**

---

**Appeal Ref: APP/D5120/W/22/3309802**

**Wellan Close, Blendon, Bexley, London DA15 9PH**

- 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 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 Bexley.
  - The application Ref 22/01446/GPDO8, dated 27 May 2022, was refused by notice dated 26 July 2022.
  - The development proposed is a telecommunications installation: 15.0m Phase 9 slimline monopole and associated ancillary works.
- 

### Decision

1. The appeal 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 telecommunications installation: 15.0m Phase 9 slimline monopole and associated ancillary works at Wellan Close, Blendon, Bexley, London DA15 9PH in accordance with the terms of the application Ref 22/01446/GPDO8, dated 27 May 2022, and the plans submitted with it.

### Procedural Matters

2. The proposal is permitted development under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (hereafter "the GPDO"), but sub-paragraph A.3(3) requires prior approval to be sought for its siting and appearance.
3. The provisions of the GPDO do not require regard be had to the development plan in this case. I have therefore had regard to the policies and related guidance of the development plan, and the National Planning Policy Framework ("the Framework") only in so far as they are material considerations relevant to matters of siting and appearance. A new Bexley Local Plan ("the BLP") was adopted on 26 April 2023, replacing the 2012 Bexley Core Strategy ("the BCS") and saved policies of the 2004 Bexley Unitary Development Plan ("the UDP") which had been referred to in the decision notice. Where necessary in my reasons I have therefore referred to the relevant replacement policies of the BLP.

## **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, including the setting of the adjacent Grade II registered Danson Park 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**

### *Character and appearance*

5. Wellan Close is a residential cul-de-sac with housing only on its north side; to the south the street is bounded by the A2 London to Dover road, a busy dual carriageway (though the A2 is at a lower level than Wellan Close). The appeal site is an area of highways land adjoining the turning head at the eastern end of the street, beyond the last house within the street. The proposed development is the installation of a 15m high monopole communications mast, with ancillary works which include the installation of three equipment cabinets. The mast and cabinets would be set at the back edge of a broad part of the footway, in front of a metal railing fence which separates the street from Danson Park to the north-east.
6. The site-specific information provided with the application explained there were no suitable buildings, or existing masts which could be shared, which would be sequentially-preferable in the Framework's terms. The appellant also considered six alternative sites and, although there was very little information put forward supporting its conclusions in respect of those alternatives, the Council accepted that the ground on which they had been discounted were reasonable.
7. The immediate surroundings of the proposed installation are open in character. It would be viewed by (for example) a pedestrian passing along the footpath connecting Wellan Close with Lakeside Close a short way to the east in the context of the relative spaciousness of the Wellan Close turning head, and the backdrop of mature trees within Danson Park. At 15m high, the proposed monopole would be taller than the adjoining trees and other street furniture nearby – the submitted drawings indicate that the nearest trees range between 6m and 10m in height, while the closest street lighting column a few metres south-east of the appeal site is around 6m high. From short range, notwithstanding the proposed "slimline" design of the mast, it would inevitably be a visible and prominent feature of the surrounding environment, while the cabinets would introduce a degree of visual clutter.
8. However, in anything other than the closest views, the "busier" nature of the wider area becomes apparent; there is an electricity substation at the north-western edge of the turning head, and there are telegraph poles providing landline connections to many of the homes on Wellan Close and other streets nearby. I saw (and, indeed, heard) on my site visit that the busy A2 is a dominant feature in the area. It has associated infrastructure such as lighting columns (for which I was not provided with height measurements, but I saw that they are clearly considerably taller than the one alongside the appeal site), signage on large panels, and a concrete footbridge connecting Wellan Close and Radnor Avenue with the parts of the neighbourhood on the south side of the dual carriageway.

9. I therefore consider that, notwithstanding the proximity to the appeal site of Danson Park and its trees, the surrounding area is essentially urban in its character. In my experience it is not at all unusual to find telecommunications installations similar to that proposed in such areas. While it appears that the proposed mast would be taller than the other pieces of street furniture and infrastructure, it is necessary that it is higher than the surrounding trees and houses in order that it can communicate with other cells in the wider network. However, the trees would provide a backdrop for the installation in medium- and long-range views which would provide some softening of its visual impact. Taking all of this together, and considering the total context of this part of London, in my view neither the mast nor its associated cabinets would be likely to be widely perceived as incongruous, dominating or especially intrusive features.

#### *Danson Park*

10. Danson Park is Grade II registered because of its special historic interest. I therefore have a statutory duty to have special regard to the desirability of preserving the park or its setting or any features of special architectural or historic interest. The focus of the park is the Danson Park mansion house (also referred to in the Council's evidence as Danson House), which was constructed in the late 18<sup>th</sup> century to replace an earlier house – the official list entry describes the park as having been landscaped at about that time by Nathaniel Richmond, assistant to Capability Brown.
11. The park includes formal gardens close to the mansion house, and there is a large lake running west-east across its southern part, although I saw that it mostly consists of open areas of grassland interspersed with groups of trees. In 1924 the house, lake and 74ha of parkland were acquired by Bexley Urban District Council; the remainder of the estate was developed for housing and the construction of the A2. From the limited information which has been made available to me, I consider that the park's principal significance is derived from its association with the Danson Park mansion house.
12. The appeal site borders a very small part of the extreme south-western corner of the park. The mature trees within Danson Park, both along its southern boundary and the other groups within the parkland, would screen most close- and medium-range views of the proposed installation from within; in any longer views where the upper parts of the mast might be visible above the trees it would be likely to be seen as a distant and reasonably unobtrusive part of the skyline.
13. From outside the park, the backdrop of the mature trees would reduce the visual impact of the mast. In the area around the Wellan Close turning head the installation, including the cabinets, would be set next to the park's boundary railings. The railings are very simple and appear to date from the 20<sup>th</sup> century (presumably around or after the time the outer parts of the park were sold for development); they do not appear to be of any significant architectural or historic interest in themselves. The site is not adjacent to any of the principal entrances to the park, and in my view most people seeing the mast (the majority of whom would be in vehicles passing along the A2) would be unlikely to consider it to have a strong relationship with the park at all. Taking all of this together, I consider that the proposed development would not cause

material harm to the setting of the Grade II registered park, and its significance would therefore be preserved.

14. The Danson Park mansion house is a Grade I Listed Building, and its stables are Grade II\* Listed. However, these are respectively some 700m and 720m or so north-east of the appeal site, and because of this separation distance the Council did not consider that the proposed installation would cause any harm to the setting of those Listed buildings. None of the evidence before me, nor anything I saw during my site, visit leads me to a different view on this point.

### *Findings*

15. I have found that the proposed development would not cause unacceptable harm to the character and appearance of the area in general terms; it would also have a neutral impact on, and thus preserve, the setting of the Grade II registered Danson Park. Insofar as the development plan policies to which I have been directed seek to protect or enhance character and appearance, I find no conflict with Policies SP1, DP8, SP5, or SP8 of the BLP<sup>1</sup>. I also find no conflict with the requirements of the Framework, including Chapter 10 which seeks to support high quality communications, Chapter 12 which seeks to achieve well-designed places, and Chapter 16 (with particular regard to paragraphs 194 and 199) which seeks to conserve and enhance the historic environment.
16. The Council's decision notice referred also to Policy CS15 of the UDP, which sought to achieve an integrated and sustainable transport system, although the officer report did not explain where the proposal's conflict with that policy arose. I find no conflict with its replacements, Policies SP10 and DP22 of the BCS.

### **Conditions**

17. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and 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 appeal should be allowed. Prior approval is therefore granted.

*M Cryan*

Inspector

---

<sup>1</sup> These have replaced Policies CS01 and CS09 of the BCS, and Policies ENV39 and ENV45 of the UDP.