



Appeal Decision

Site visit made on 24 October 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2023

Appeal Ref: APP/Z5060/W/23/3321062

Highways Land, Greenwood Avenue, Dagenham, London RM10 7DL

- 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 & 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 for the London Borough of Barking and Dagenham Council.
 - The application Ref 23/00057/PRICOM, dated 5 January 2023, was refused by notice dated 8 March 2023.
 - The development proposed is the installation of 17m streetpole, antennas, ground-based apparatus and ancillary development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The principle of development is established by the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), and the provisions do not require regard to be had to the development plan. Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) of the GPDO 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 has referred to Policies SP2, DMD1 and DMSI9 of the London Borough of Barking and Dagenham's Draft Local Plan 2037 (Autumn 2021). This emerging plan is currently at the examination stage. However, I have little information to suggest when the plan is likely to be adopted, or if any policies have been modified, or if there are any unresolved objections. Accordingly, I attribute limited weight to this plan.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposed telecommunications equipment upon i) the character and appearance of the area; ii) the effect of the siting on pedestrian movement with specific regard to footway obstruction; and iii) 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. The appeal site is located on a prominent corner at the junction of Greenwood Avenue and Central Park Avenue in Dagenham. The immediate surrounding area consists of low-density semi-detached and terrace properties providing a quiet low level suburban feel. Whilst there are tall buildings in close proximity, the appellant considers these are unsuitable for additional 5G antennas or for apparatus sharing. This is not disputed by the Council. As such, the proposed telecommunications equipment comprises a free standing 5G monopole that would stand 17m high with associated antennae, along with 3 cabinets at ground level. In respect to the existing street furniture the area currently exhibits utilitarian features such as traffic bollards, street light columns and wooden telephone poles.
6. The location of the proposal is in an extremely prominent position, sited on a wide corner and at 17m in height would be significantly higher than the existing street furniture and residential dwellings. Given the prominent position and views from public vantage points, the proposal would be highly visible within this residential area and thus would fail to minimise visual impact upon the street scene. I note that the GPDO does allow for a height with a range between 15m-25m and the proposal is 17m which is at the lower end of the range, however it still extends significantly above the existing low-density character of the area.
7. Furthermore, due to the girth of the pole, it would appear heavy set, in comparison to the existing slender street light columns. The circumference coupled with the antennae attached to the proposal, would produce a top-heavy appearance setting it apart from the lighting columns and other street furniture in the area. The associated ground-based apparatus adjoining the monopole would also provide additional clutter to the pavement. As a result, the proposal would stand out in the street scene as an obtrusive feature and harm the character and appearance of the area.
8. The appellant draws my attention to another appeal decision¹ for a telecommunications proposal in Romford. This is some distance from the appeal site and as such I am uncertain of its relevance to the proposal before me. Nevertheless, from the limited information supplied, in allowing the scheme the Inspector considered the setting of the development would be seen only at a distance, beyond the mainly 3-storey College buildings, and against a largely wooded backdrop, unlike the scheme subject to this appeal. Given my considerations above I find the comparisons limited, and in any event, I have determined this appeal on its own merits based on all the evidence presented.

Pedestrian movement

9. The proposal would occupy a wide section of the footpath on Greenwood Avenue emphasising its prominent location. Whilst the proposal would result in a reduction in the width of a small section of the path, the remaining pavement would be significantly in excess of the minimum requirement to enable pedestrians, including those using a wheelchair to pass and repass each other

¹ PINS Ref: APP/B5480/W/20/3251086

as contained within the Inclusive Mobility² document. As such, I do not accept the Councils assertion that the proposal would obstruct the footway.

Suitable alternatives

10. The Government is committed to supporting the deployment of next-generation mobile infrastructure. This is generally reflected in the National Planning Policy Framework (the Framework). However, while there would be various social and economic benefits arising from the proposal, it is important that any harm, such as that identified above, is minimised in the pursuit of these objectives. The appellant has provided details of its sequential approach to site selection, providing details of sites within the target coverage area which have been considered as alternatives to this proposal and discounted. However, the extent and detail of the evidence provided is brief.
11. The details provided indicate that 17 sites were considered but discounted for a range of reasons including greater impacts on residential amenity, greater impacts on footway width, impacts on underground services and overhead wires, and within visibility splays. All of the discounted options are located close to the appeal site within the surrounding low level residential area, and whilst it is acknowledged that 5G needs to be located where the service is used and where demand is derived, it is unclear from the evidence as to why the appeal site was specifically selected over the others, particularly given its prominent location.
12. Furthermore, I find that there is limited information in respect to sites 4, 5, 14, 15, 16 and 17 which are all located along Rainham Road North (A1112), a busy thoroughfare where the provision of telecommunications equipment and other taller structures are more likely to be found. These sites whilst still in close proximity to the residential developments may reduce visual effects for this type of development. In this regard, I find that the search and assessment of alternative sites is not sufficiently robust. Consequently, the harm I have identified is not outweighed by an overriding need for the installation to be sited as proposed.

Other Matters

13. Whilst it is acknowledged that the Local Plan documents Planning for the future of Barking and Dagenham Core Strategy (CS), adopted July 2010 and the Planning for the future of Barking and Dagenham Borough Wide Development Policies Development Plan Document (DPD), adopted March 2011 predate the Governments support of 5G connectivity, I have only had regard to these policies in so far as they are a relevant material consideration to matters of siting and appearance.
14. The appellant has also submitted a costs award³ from another appeal decision, to highlight that the Council have been unreasonable in not carrying out a balancing exercise of the public benefits of the proposal. However, I have found that the Council, within their officer report and statement of case have considered the wider public benefits of the proposal and as such this does not alter my decision.

² Department for Transport – Inclusive Mobility – A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure December 2021

³ PINS Ref: APP/G5180/W/16/3151769

Planning Balance and Conclusion

15. Paragraph 114 of the Framework provides that, amongst other things, planning decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. The proposal would provide benefits through the upgrade to digital telecommunications in this area, allowing for additional coverage and capacity, including 5G technology in the locality. The wider benefits have effectively been recognised by the grant of planning permission under Article 3(1) of the GPDO and I have only had regard to them insofar as they relate to the siting and appearance in the context of this case. These factors weigh in favour of the proposal.
16. However, a balance should be struck between visual impact and the need for the proposal to be sited at the appeal site. I have identified that harm would arise to the character and appearance of the local area by siting the 17m high monopole here. It would appear dominant and visually incongruous. Furthermore, in the absence of sufficient evidence on alternative and discounted options, it has not been demonstrated that the appeal site is the only viable solution with regards to supporting high quality communications.
17. In reaching this conclusion, I have had regard to the Framework; Policies D4 and SI6 of the London Plan, March 2021; CS Policy CP3 and DPD Policies BP11 and BC12 insofar as they relate to the prior approval matters which seek to minimise the impact of telecommunications apparatus and to ensure good design which does not adversely affect the character or appearance of the area.
18. For the reasons given above the appeal is dismissed.

Robert Naylor

INSPECTOR