



Appeal Decision

Site visit made on 23 January 2024

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2024

Appeal Ref: APP/U5930/W/23/3322282

Highways Land, High Road Leytonstone, Stratford, London E15 2AG

- 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 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 London Borough of Waltham Forest.
 - The application 230064 dated 6 January 2023, was refused by notice dated 2 March 2023.
 - The development proposed is installation of 20m pole inc. antennas, ground based apparatus and ancillary development.
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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 installation of 20m pole inc. antennas, ground based apparatus and ancillary development at Highways Land, High Road Leytonstone, Stratford, London E15 2AG in accordance with the application ref: 230064 dated 6 January 2023, and the plans submitted with it including drawing numbers 002 Site Location Plan, 100 Existing Site Plan, 150 Existing Site Elevation, 210 Proposed Site Plan and 260 Proposed Elevation.

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 proposal 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. There is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, Policies CS7 and CS15 of the Waltham Forest Local Plan – Core Strategy (2012) (CS) and Policies DM14, DM29 and DM37 of the Development Management Policies – Local Plan (2013) (DMP) are material considerations as they relate to issues of siting and appearance.
4. In particular, these policies expect proposals to respond to their context in terms of scale, height and massing whilst ensuring that development does not have a harmful impact on the walking and cycling environment. With regard to proposals for telecommunications, the Council expect apparatus to be located

to complete or improve coverage, and that apparatus should not stand alone where site or mast sharing would provide equally adequate coverage.

5. Similarly, the National Planning Policy Framework (2023) (the Framework) is also a material consideration and this includes a section on supporting high quality communications.
6. The Government published a revised Framework in December 2023, replacing the previous version dating from September 2023. The amendments made did not have any bearing on the issues in this appeal, and it was therefore not necessary to seek comments from the main parties on the updated Framework. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the December 2023 version.

Main Issues

7. The main issues raised by this appeal are the effect of the siting and appearance of the proposal on:
 - the character and appearance of the area; and
 - highway safety, in particular with regard to pedestrian movement along the footway and the potential to cause disruption to traffic.

Reasons

Character and appearance

8. The appeal site is located within a busy, urban High Road location, close to the crossroad with Crownfield Road and Cann Hall Road. This is reflected by the generous width of the highway and pavements and the buildings, many of which are larger in scale than those on the subservient streets which join the High Road. The area contains a mixture of commercial, retail and entertainment uses, whilst many buildings contain residential properties on the upper floors. Adjoining the site is a three storey block of flats which is accessed from Gilbert Street.
9. The appeal site is set back from the carriageway, to the rear of a bus stop and bus shelter, and behind a small street tree. The surrounding area has a variety of street furniture, some with vertical emphasis, including streetlights, street signs and a Waltham Forest Council sign. Therefore, vertical structures are a common feature in this particular street scene.
10. The proposed design is utilitarian by virtue of its form and scale and its relationship with surrounding buildings governs the height of the mast sought. Further technical requirements dictate the dimensions of the external antennae which would be fixed to the proposed pole. In this case it would be taller than these existing structures and the nearest buildings fronting the High Road.
11. A slimline telecommunications pole at Crownfield Road and two street poles on Morris Road and Victoria Road are installed within 200 metres from the appeal site. The proposed street pole would be thicker in girth and taller in height than the adjacent streetlights, and would have antennae atop. However, given the presence of the many existing vertical structures, which include other telecommunications street poles, I am not of the view that the proposed street pole would appear alien or unexpected in such a context.

12. In addition, although much shorter than the proposed street pole, the adjoining street trees and bus stop would also form an effective backdrop to the street pole and assist with its integration into the wider street scene. Distant views of the proposal would be against the backdrop of the nearest buildings, the busy crossroad, together with the many other different structures, varying building heights and moving traffic, and its appearance would not be inconsistent with the area. The light grey colour of the street pole would also be similar to some of the nearby tall lighting columns.
13. The proposed ancillary equipment cabinets would be of modest size and, as such, would not be visually dominant features in the context of the other nearby street furniture. In conclusion, the proposal would not appear overly prominent or visually intrusive, and would not cause harm to the character and appearance of the area.

Pedestrian movement and traffic disruption

14. The Council state that the appeal site is in an area of high footfall. During my site visit, I walked along High Road Leytonstone and saw it was well trafficked with well used footways on either side. However, the pavement surrounding the appeal site is particularly wide, and noticeably wider than the pavement immediately to the north and south.
15. Following the installation of the proposal an unobstructed pavement width of four metres would remain which would be sufficient to ensure that users of the footway including those with push chairs or in wheelchairs, have room to pass each other. Therefore, the proposal would not harm the pedestrian environment.
16. The proposal's location behind the bus stop and bus shelter, combined with the open space which would remain unimpeded to either side of the bus shelter, would prevent it from hindering passengers entering and alighting buses. Therefore, the proposal would not cause traffic disruption resulting from delays in passengers accessing waiting buses.
17. Consequently, I conclude that the siting of the development would be acceptable in relation to highway safety, in particular with regard to pedestrian movement along the footway and the potential to cause disruption to traffic.

Other Matters

18. As I have identified that the siting and appearance of the proposal would be acceptable, it is unnecessary for me to consider the detailed merits of any potential alternative site. Notwithstanding this, in response to paragraph 121 c) of the Framework, the appellant includes confirmation that a desktop survey identified no potential alternatives for site sharing through erecting antennas on an existing building, mast or other structure.
19. In particular, due to their design it is not possible to install additional antennas on the slimline pole on Crownfield Road, or the street poles at Morris Road and Victoria Road and there are no opportunities for appropriate mast sharing.
20. A certificate has been submitted to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not

something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

Conditions

21. Any planning permission granted for the development 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 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

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

B Pattison

INSPECTOR