



Appeal Decision

Site visit made on 11 June 2024

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2024

Appeal Ref: APP/E5330/W/23/3328173

Messeter Place Street Works, Messeter Place, Greenwich SE9 5DP

- 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 of the Royal Borough of Greenwich.
 - The application Ref is 23/0454/T3.
 - The development proposed is 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023, replacing the previous version dating from 5 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.
3. The Framework supports high quality communications infrastructure and requires that local planning authorities must determine applications on planning grounds only. In accordance with the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), and subject to any relevant exception, limitation or condition specified therein, development by, or on behalf of, an electronic communications code operator for the purpose of the operator's electronic communications network, is permitted development. Therefore, matters such as the need for, or benefits of, the development, are not at issue in this appeal.
4. The provisions of the GPDO, under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) and (7) 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.
5. The Council has referred to 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 do not require regard to be had to the development plan. Therefore, I have had regard to the policies of the

development plan, and the Framework only in so far as they are material considerations relevant to matters of siting and appearance.

Main Issues

6. The main issues are the effect of the siting and appearance of the proposal 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

Character and appearance

7. The appeal site is located on Footscray Road in a mixed commercial and residential area. Buildings in the immediate surrounding area are predominantly 2 and 3 storeys in height with some 4 storey buildings on the east side of Footscray Road and to the west of the site on Messeter Place. The south/west side of Footscray Road is lined by a thick screen of mature street trees which, when in leaf, largely screen the residential buildings behind them in views from the road. Overall, this creates a spacious and verdant character.
8. The proposal relates to an area of footpath adjacent to a petrol station. The grass verge which runs alongside the site contains a totem sign for the adjacent petrol station and various other signage. The footpath contains items of street furniture including road signage and lamp posts. The proposed telecommunications installation would be 15 metres tall and would be sited on the pavement.
9. The proposed cabinets are not unusual features or excessive in scale. However, the mast would be significantly taller and bulkier than existing street furniture and would be taller than the nearby buildings and the petrol station canopy. The installation would not be screened by vegetation or street trees in views from Footscray Road and consequently, would appear dominant in views from the surrounding area.
10. It may be that the area where the mast would be located is neither a conservation area nor subject to any similar designations. I acknowledge that the proposal would be of a standard design for telecommunications equipment and would be the minimum height and width for operational reasons and that telecommunications apparatus by their very nature must be taller than surrounding built and natural form to ensure its efficient operation. Nonetheless, by virtue of its size, the appearance of the proposed mast would fail to visually integrate with its surroundings and thus would result in harm to the character and appearance of the area.
11. Insofar as they are a material consideration, the proposal would conflict with Policies D3 and D8 of the London Plan (2021) and Policies DH1 and DH(c) of the Royal Greenwich Local Plan: Core Strategy (2014). Together, and amongst other things, these policies seek to ensure that development is of a high quality design which enhances local context and that street furniture should complement the use and function of space. For similar reasons, insofar as it is a material consideration, the proposal would be contrary to Chapter 12 of the Framework which seeks to secure high quality design.

Need and Alternatives

12. I have found that the proposed siting and appearance of the mast would result in harm to the character and appearance of the area. It is therefore necessary to consider whether other options for siting the equipment may be available which might have a lesser visual impact.
13. The Framework requires that information is provided to justify the proposed development. In relation to a new mast, this includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. When noting the visual sensitivities that would apply to a mast within a residential area, it is reasonable to require clear and comprehensive supporting evidence.
14. The supporting information submitted with the application sets out that no mast/site sharing opportunities were identified. However, I have not been provided with an assessment of the alternative buildings or structures that were considered as part of this exercise, or the reasons as to why they were ruled out. The site search for alternative locations considers 4 sites. However, the reasons as to why these were discounted are brief and no evidence has been provided to allow an assessment of these sites to be undertaken. Thus, the analysis by the appellant is not sufficiently comprehensive to show that it has considered reasonable alternative options.
15. From the evidence before me, I find that a sequential approach to site selection has been followed, but not with sufficient rigour to enable me to ascertain that there are no realistic opportunities to erect an installation in a different location where its siting and appearance would be less harmful. Thus, I cannot be sure that the appeal scheme is the most suitable in terms of its siting and appearance. Therefore, insofar as it is relevant, I also find conflict with the Framework as set out above.

Other Matters

16. The proposed mast would be located close to a Grade II Listed Building known as Presbytery to East of Roman Catholic Church of Christ Church. The significance of the building appears to derive from its architectural value. The appeal site is separated from the church by a busy highway and does not appear to form part of the immediate setting of the listed building or contribute to its significance.
17. The proposed mast would be visible from the listed building and the mast would be visible in views of the listed building from Footscray Road and Messeter Place. Nonetheless, in these views the mast would be seen against the backdrop of existing built form and the busy highway, and given the separation of the mast from this listed building, the proposal would not harm the setting or significance of it.
18. The appellant comments that the proposal followed pre-application consultation with the Council, and it is also stated that the height of the proposed installation has been reduced since the time of the previous planning application. However, this does not otherwise persuade me from my findings in relation to the main issues.

19. A certificate confirming that the proposed equipment complies with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection has been submitted with the application. This represents a lack of harm, which is a neutral matter.

Conclusion

20. 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. In this instance, on the evidence before me, the harm to the character and appearance of the area is determinative.
21. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

N Robinson

INSPECTOR