



Appeal Decision

Site visit made on 19 June 2024

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2024

Appeal Ref: APP/E5330/W/23/3335657

Land at Mottingham Station, Court Road, London SE9 4EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and 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 Cornerstone against the decision of the Council of the Royal Borough of Greenwich.
- The application reference is 23/1469/T3.
- The development proposed is the installation of a 25.0m high Swann lattice tower, complete with 6 No. antennas, 1 No. ø300mm and 1 No. ø 600mm dish to be mounted on headframe; 2.4m high palisade compound fence with 1m wide access gate; 3 No. equipment cabinets and associated ancillary works.

Decision

1. The appeal is allowed and prior 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 a 25.0m high Swann lattice tower, complete with 6 No. antennas, 1 No. ø300mm and 1 No. ø 600mm dish to be mounted on headframe; 2.4m high palisade compound fence with 1m wide access gate; 3 No. equipment cabinets and associated ancillary works on land at Mottingham Station, Court Road, London SE9 4EW in accordance with the application reference 23/1469/T3 and the plans and other details submitted with it.

Preliminary Matters

2. 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 (hereafter "the GPDO") permit certain categories of development, including the installation of electronic communications apparatus and ancillary equipment. This is subject to the restrictions, limitations, conditions and "prior approval" requirements set out in Paragraphs A.1., A.2. and A.3. of the GPDO.
3. The GPDO does not require regard be had to the development plan in this case. I have had regard to its policies only in so far as they are material considerations relevant to matters of siting and appearance. The National Planning Policy Framework ("the Framework") is also a material consideration.
4. The Government published a revised Framework on 5 September 2023, replacing the July 2021 version extant at the time the application was determined, and again on 19 December 2023. The changes did not have a bearing on the main issues in this appeal, and I have not sought further comment from the main parties. Where I have referred to specific paragraphs of the Framework, the numbering is from the December 2023 version.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed development on the character and appearance of the area and, if any harm would be caused, whether this would be outweighed by the need to site the installation in the proposed location.

Reasons

Character and appearance

6. The appeal site is on the south side of the railway line at Mottingham station, just beyond the western end of the station car park. It is within a fenced area alongside the railway track which contains a Network Rail telecommunications mast and equipment cabins in an area of mature tree planting. The rear gardens of houses on Sidcup Road lie to the south, with other housing on Shrubsall Close facing the site across the railway line. The wider area includes a mix of uses including suburban housing of various types, parts of Mottingham district centre, commercial and light industrial units, as well as substantial areas of greenspace. The proposed development is the installation of a 25m high lattice tower mast, with ancillary works including the installation of three equipment cabinets. The mast and cabinets would be set within a new fenced compound alongside the station platform.
7. The Council considers that the proposed use of a lattice tower design is an "out-of-date solution", and that most modern telecommunications equipment has "a slimline appearance". The proposed design is functional and utilitarian, and would be unlikely to be perceived by many as attractive. However, while the appellant's argument that "the greater degree of transparency offered by a lattice structure [...] was considered better than a solid monopole from a visual impact perspective" is in my view very much moot, it is evident that there are other technical considerations including antenna height and orientation requirements which have led to the choice of structure. It is not therefore clear to me that a slimmer monopole design, which the Council might have considered preferable in visual terms, would be suitable for the site.
8. Other than the nearby Network Rail mast, and lighting columns within the station car park, the immediate surroundings are not characterised by tall structures. To that extent, while a mast would not be totally unexpected alongside a railway in a mixed suburban area, the proposed lattice tower would nevertheless be somewhat incongruous in its surroundings. The equipment cabinets and the lower part of the mast would be screened in close views from the station car park and housing to the south and west by mature trees. This would limit the mast's intrusiveness to some degree, though this mitigation would be reduced in the winter when some trees were not in leaf. There would be limited screening in close views from Shrubsall Close from where the mast would be likely to be a prominent, and perhaps even somewhat dominant, feature. In longer views, such as from parts of Sidcup Road to the south, the upper parts of the installation would rise above the surrounding buildings and trees; while this is of course a technical necessity, the bulk and elevation of the headframe would make it a prominent and intrusive feature.
9. I therefore find that the proposed mast would cause some harm to the character and appearance of the area. The proposal would conflict with Policies DH1 and DH(c) of the 2014 Royal Greenwich Local Plan: Core Strategy, and

with Policy D3 of the London Plan 2021, which are material considerations insofar as they seek to ensure that all development is well-designed and enhances local context, and that the visual impact of telecommunications equipment installations is minimised.

Alternatives and other considerations

10. The Framework supports the provision of high quality and reliable communications, which it states are essential for economic growth and social well-being. Paragraph 118 states that planning policies and decisions should support the expansion of the electronic communications network, including next generation mobile technology such as 5G.
11. The supporting information submitted with the application indicates that the proposed development would increase coverage and network capacity in the surrounding area and assist in the roll out of 5G technology in accordance with aspirations in the Framework. It also explains that none of the “sequentially preferable” options set out in the Framework is available, and that the search area for a new mast is tightly constrained by the need to be sufficiently distant from other base stations serving the same operator so as not to cause interference. I am satisfied that the appellant has demonstrated that there is an identified need for the proposed development to be located somewhere within the search area.
12. The application included details of eight alternative sites which had been considered; these were a variety of “streetworks”, rooftop or greenfield locations in the surrounding area. They were discounted for a range of reasons including narrowness of footways (and potential harm to highway safety), prominence or lack of screening (meaning that installations would be more exposed and intrusive than the appeal scheme) or, for a rooftop site at Eltham College¹, the impact on a listed building. Two of the eight sites² would not be able to provide the required network coverage, which limits their value as genuine alternatives. However, during the appeal I was provided with information relating to other sites which had been considered but discounted ahead of the application. Some had also been excluded on coverage grounds, and some for the same highways or visual impact reasons as the final eight; others had been ruled out because potential rooftop locations were not structurally or architecturally suitable.
13. I walked round much of the surrounding area during my site visit, and it seems to me that the visual impact or highway safety grounds for which the appellant discounted possible alternatives are well-founded. The need for a new installation in the area has not been disputed by the Council, although it did not put forward any further possible alternative sites. Based on all the evidence before me, including my observations on my site visit, I am satisfied that there is not a more suitable site for the required facility.
14. Taking all of these points together, while the development proposed would cause some harm to the character and appearance of the area, it has been demonstrated that there is an identified need for the proposed equipment within this area and that there are not more suitable alternatives available.

¹ Site D4 in the Site-Specific Supplementary Information

² Sites D3 and D8 in the Site-Specific Supplementary Information

These factors outweigh the limited harm I have identified, and I find the siting and appearance of the proposed development to be acceptable.

Other Matters

15. The Council did not raise any objections to the scheme in relation to its effects on public safety, including highway safety, and nothing before me leads me to a different view on this matter. Some local residents expressed concern regarding the health implications of the installation. The appellant has certified that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionising Radiation Protection (ICNIRP). In such circumstances the paragraph 122 of the Framework indicates that there are no health reasons for rejecting the scheme.
16. Concern was expressed that the installation may have an adverse effect on birds and bats using the Tarn, a park on the eastern side of Court Road a short distance to the east of the appeal site. However, no substantive evidence was put before me to support this suggestion, and it has not therefore had a significant bearing on my decision.
17. I have had regard to other appeal decisions which were brought to my attention, including one in respect of a site at Kidbrooke Park Road³. Nothing I have seen leads me to disagree with the conclusion in that appeal. However, having conducted the "balancing exercise" my colleague described in paragraph 16 of that decision I am satisfied that the differences between the two schemes, including the extent to which they would be screened by trees and seen from surrounding dwellings and public spaces, means that my reaching a different conclusion in this case is justified.

Conditions

18. 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

19. While I have found that the siting and appearance of the proposed mast would cause some limited harm to the character and appearance of the area, I consider that this would be outweighed by the need for the installation to be sited as proposed, taking into account alternative locations investigated. I therefore conclude that the appeal should be allowed, and prior approval should be granted.

M Cryan

Inspector

³ PINS Ref: APP/E5330/W/23/3320872