

DC EAST
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DC CENTRAL
H&UD
BEN STEPHENS [Land Charges]
PETER BEAGLES [Plan. Admin]
GLORIA WAYA/GREG ULLMAN Legal & Democratic Services [shared copy]
HIGHWAYS
SCANNING
TOPIC

Appeal Decision

Site visit made on 25 April 2005

by Paul Graham DMA LARTPI Solicitor

an Inspector appointed by the First Secretary of State

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Date 23 MAY 2005

Appeal Ref: APP/G5180/A/04/1171475

Telephone Exchange, Church Road, Farnborough, Orpington BR6 7DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Vodafone Limited against the decision of the Council of the London Borough of Bromley.
- The application Ref:DC/04/03431/FULL1, dated 9 September 2004, was refused by notice dated 9 November 2004.
- The development proposed is a base station comprising installation of antennae behind replica chimneys at rooftop level; ground based equipment cabinets and other minor associated works.

Decision

1. I allow the appeal and grant planning permission for the above development in accordance with the terms of the application and the submitted plans subject to, before any work commences, details of the external appearance and the materials for the replica chimneys (including colours) being submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and retained as such thereafter.

Reasons

2. The exchange building upon which the antennae would be installed is of two storeys constructed in yellow stock brick, and has a flat roof. On the ground floor of its front elevation there are small painted windows two of which have fanlights above. There is a matching fanlight over the entrance door, and there are decorative hoppers to the down pipes. Although fairly bulky, the exchange does therefore bear few of the utilitarian characteristics that are commonplace with this type of building. Indeed its appearance and could easily be mistaken for an office building or even a block of flats.
3. There is a brick built chimney towards the southern end of the rear elevation of the building which rises to some 11.5m above ground level. The proposal, which is to fill a gap in signal strength in this area (a factor that I accept and is not challenged by the Council), is the installation of antennae on the north western corner and towards the northern end of the building's rear elevation, plus ground based equipment cabinets which would be largely obscured from view from outside the site by boundary planting. The antennae would be encased within shrouds that would largely replicate the existing chimney in height and form. To my mind on a building of this type these structures would appear innocuous and as a consequence they would preserve the character and appearance of the attractive Conservation Area within which the building is located, and the setting of nearby listed buildings. Likewise, no significant visual harm would be caused the residential amenity of nearby occupiers, or to the openness of the nearby Green Belt.

4. In my opinion the appellant has taken proper account of national advice in Planning Policy Guidance No.8 (PPG8) which looks to achieve sympathetic design and camouflage to minimise impact upon the environment and promotes innovative designs so to do. PPG8 also steers operators towards the use of existing buildings and sites, and in my view this telecommunications building, which already houses a transmission dish of another operator, is a suitable site. The appellant has considered the use of other locations, but in view of my above conclusions relating to design and siting I see no reason for them to be pursued. The proposal would thus accord with, in particular, Policy E14 of the Bromley Unitary Development Plan (UDP), which looks to ensure that installations of this type respect the character of an area and the host building, and visual amenity; and with Policy BE19 of the now well advanced second deposit draft to the revised UDP which pursues similar aims. It would also achieve the objectives of UDP Policy E7 and draft UDP Policy BE9 both of which look to preserve or enhance the quality of the Borough's Conservation Areas.
5. I have noted concerns expressed about noise from ventilation equipment associated with the installation but this should be quite limited and, in a "village" setting such as this, barely discernable above ambient noise levels. Also PPG8 makes it clear that any impact upon property values will not normally be a planning matter. I am conscious too that many members of the public have expressed concerns regarding the effect upon health of electromagnetic waves generated by the equipment, particularly in relation to the occupants of adjacent houses, nearby schools, and elderly persons' accommodation. PPG8 states that health considerations and public concern about them can in principle be material in determining applications such as this. It is, nevertheless, the Government's firm view that the planning system is not the place for determining health safeguards. If a proposed base station meets ICNIRP guidelines for public exposure, which having considered the Stewart Report the Government sees as being key in its precautionary response to potential risks, it should not be necessary for a decision maker to consider further the health aspects and concerns about them. Here, the scheme does accord with those guidelines and no technical evidence has been submitted that would otherwise lead me to suppose that public health would be prejudiced.
6. A submission was also made by local residents relating to Article 8 of the European Convention on Human Rights and Article 1 of the First Protocol, and I recognise that if the development goes ahead it may to a very limited degree interfere with the home and family life and/or peaceful enjoyment of possessions. These considerations must however be balanced against the rights and freedoms of others, and in the light of my conclusions above I am satisfied that any interference would not be disproportionate.



Inspector