
Appeal Decision

Site visit made on 23 September 2015

by R W Allen B.Sc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 October 2015

Appeal Ref: APP/D5120/W/15/3033745

Highways Land on Halfway Street, Adjacent to Co-Op Supermarket, Sidcup, Kent DA15 8DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Vodafone Limited against the decision of The London Borough of Bexley.
 - The application Ref 14/02377/GPDO8, dated 4 December 2014, was refused by notice dated 29 January 2015.
 - The development proposed is erection of a 12.5m Jupiter street pole, ground based cabinets and ancillary development.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (GPD0) for the siting and appearance of a 12.5m Jupiter street pole, ground based cabinets and ancillary development at Highways Land on Halfway Street, Adjacent to Co-Op Supermarket, Sidcup, Kent DA15 8DJ in accordance with the terms of the application, Ref 14/02377/GPDO8, dated 4 December 2014 and the plans submitted with it.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the street scene having specific regard to its siting and appearance, and whether any harm caused is outweighed by the need to site the installation in the location proposed having regard to the potential availability of alternative sites.

Reasons

3. The proposed pole would accommodate six antennae concealed within a shroud and would stand some 12.5m high. Three cabinets and a meter enclosure are also proposed and would be positioned either side of the pole. The equipment would be located on a pavement area which lies to the front of Nos 182 to 188b Halfway Street, which is a parade of shops with some flats above, and it forms part of a larger group of local shops either side of it on the north eastern side of Halfway Street. It is a particularly pleasant and attractive part of the street, softened by the presence of 3 evenly spaced trees at its centre and two brick built planters either side of the group of trees which also includes two seating benches and 2 small cycle racks. While some other street furniture exists, including a single street lamp column located near to the end of the

terrace outside No 182 Halfway Street, they are not particularly obtrusive. The pavement area contrasts sharply to that which lies adjacent to the northwest and outside Nos 188d to 198 Halfway Street, on which there is no planting, and considerably more Utilitarian street furniture including a number of large recycle bins, a bus stop and a standalone advertisement.

4. The pole would be higher than any other item of street furniture within the locality as well as the adjacent trees, and being positioned within close proximity to the kerb edge, it would appear prominent from a number of vantage points along Halfway Street. The cabinets would introduce large, bulky and unattractive features in an exposed part of the pavement, such that their prominence would be accentuated and unavoidable. The equipment would not be particularly discreet, and its positioning amongst the existing trees would not have the desired effect of mitigating the visual harm that would occur. The siting and appearance of the proposal would cause harm to the character and appearance of the street scene, and would not accord with policy ENV39 of the Bexley Council Unitary Development Plan 2004 (UDP). This states that new development in general, and telecommunications equipment, should minimise any adverse visual effects on the character and visual amenity of the area.
5. The proposal would provide for 2 telecommunications providers (Vodafone and Telefonica), for whom there is an identified shortage of both 3G and 4G coverage in the area. This is evidenced by the coverage plots submitted by the appellant, and notwithstanding concerns of residents on this matter, I am satisfied that there is a need for additional coverage in this area. In this respect it would accord with the aims of the National Planning Policy Framework (the Framework) and London Plan Policy 4.11 insofar as they give encouragement to the expansion of electronic communications networks. The sharing of facilities on a single column reduces the proliferation of masts and is regarded as good practice. The National Planning Policy Framework (the Framework) recommends in paragraph 43 that existing masts, buildings and other structures should be used, unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate. Also, paragraph 45 of the Framework requires evidence that the possibility of erecting antennas on an existing building, mast or other structure has been explored.
6. It is evident that the appellants have explored other options including the rooftops of some of the retail premises in the wider parade, and local schools, a church and the university, and I have no reason to doubt that there are a limited number of suitable sites for a freestanding installation in this locality. Although only Nos 188a, 186 and 180 appear to have been explicitly surveyed and subsequently discounted, due to their limited height and unsuitable roof forms, reasons are likely to be valid for other neighbouring buildings, as confirmed by the appellant. I am also satisfied that Marlowe House, which has been suggested as an alternative by the Council, is too distant to provide sufficient coverage to the cell that the scheme is intended to serve.
7. Therefore based on what I have read and seen, and given the limited search area available, I consider it is unlikely that there is an alternative which would meet the operator's needs as effectively but with materially less harm. The need and lack of better alternatives weighs in favour of allowing the appeal. I conclude on balance that whilst the proposal would harm the

- character and appearance of the locality, this would be outweighed by the need and lack of better alternatives. The proposal would therefore accord with UDP policy ENV45 which states that telecommunications development will be permitted where all alternative locations have been fully explored and that there is no possibility of locating antennae or masts on existing buildings.
8. Concerns have been raised about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionising 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.
 9. In my judgement, the proposed pole, due to its slimline design, would be unlikely to appear unduly dominant when seen from neighbouring properties. I give no weight to the concern that the scheme would adversely affect property values, as the planning system does not exist to protect the private interests of one person against the activities of another.
 10. The Council has suggested conditions in the event that the appeal is allowed. However the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators. In the absence of evidence or justification to the contrary, I find that additional conditions should not be imposed.
 11. For the reasons given above I conclude that the appeal should be allowed.

Richard Allen

INSPECTOR