
Appeal Decision

Site visit made on 29 September 2016

by J A B Gresty MA MRICS

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

Decision date: 25 October 2016

Appeal Ref: APP/N1920/W/16/3150586

Land adjacent to 1-6 Bourne Hall Flats, High Street, Bushey, Hertfordshire WD23 3DL

- 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 CTIL and Telefónica UK Ltd against the decision of Hertsmere Borough Council.
 - The application Ref 15/2075/T56, dated 26 November 2015, was refused by notice dated 21 January 2016.
 - The development proposed is a dual stack “telegraph style” monopole, equipment cabinets, meter pillar and development ancillary thereto.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended), in respect of development by a telecommunications code system operator for the siting and appearance of a dual stack “telegraph style” monopole, equipment cabinets, meter pillar and development ancillary thereto at land at Land adjacent to 1-6 Bourne Hall Flats, High Street, Bushey, Hertfordshire WD23 3DL in accordance with the terms of the application Ref 15/2075/T56, dated 26 November 2015, and the plans submitted with it.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the local area.

Reasons

Character and Appearance

3. The appeal site is close to Bushey town centre. The local area is characterised by its wide variety of property uses and building size and style. There are commercial and retail business premises nearby as well as residential properties, including a three-storey block of flats adjacent to the site.
 4. The proposed monopole and ancillary equipment would be situated at the back of the pavement on the north side of High Street, at a point where the pavement widens. There is a variety of street furniture and structures close to the proposed site of the equipment, including a telephone kiosk with an equipment cabinet, a litter bin, a bench, a bus stop sign and a lamp post.
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5. Although the proposed pole would be taller and broader than the adjacent lamp post, it would reflect the existing street lamps on this part of High Street and its height would be about the same as the top of the adjacent block of flats. As a consequence of the lawn behind the site and the nearby road junction, the site is a fairly open one and the pole would be visible from distance from several directions. However, because of its slim design and inconspicuous colour, the proposed pole would have a similar character to the existing lamp posts on High Street and it would not stand out unduly prominently in the street scene. Further, the ancillary equipment would be similar in scale and nature to the nearby street furniture, equipment and structures, reflecting the prevailing character and appearance of this part of High Street. Because of the width of the pavement at this point, the site would not appear cluttered.
6. Overall, I conclude that the proposed development would be in keeping with the character and appearance of the local area. In this respect the development would accord with the requirements of Policy CS22 of the Hertsmere Local Plan Development Plan Document Core Strategy and emerging Policy SADM31 of the Hertsmere Site Allocations and Development Management Policies Plan (DMPP) submission document dated July 2015.

Outlook

7. The proposed pole and equipment would be visible from the south facing windows of the adjacent flats. However, as a consequence of the distance between the windows of the flats and the slim nature of the proposed pole, it would not appear unduly prominent when viewed from the flats. Further, the pole would not be directly opposite any of the flat windows and, therefore, views of the pole would be oblique. The lower parts of the pole and ancillary equipment would be partly obscured from view from the flats by the trees growing opposite the entrance to the flats. Accordingly, the appearance and siting of the proposed development would not result in discernible harm to the living conditions of the occupiers of the nearby flats as a consequence of its effect on outlook. In this respect the development would accord with the requirements of emerging DNPP Policy SADM31.

Other Matters

8. Concern has been expressed regarding the health and safety implications of the proposed development. The appellant has provided a declaration statement to confirm that the proposal would comply with the guidelines of the International Commission on Non-Ionizing Radiation Protection. In these circumstances, the National Planning Policy Framework indicates that health safeguards are not something which a decision-maker should determine.
9. The appellant has provided evidence to demonstrate that its current network capacity is insufficient for the provision of its services in the area. Consequently, I have no reason to doubt the need for this type of development in the vicinity of the appeal site. Further, the appellant lists a number of alternative sites in the locality that it has investigated which, for a variety of reasons, have been found wanting. Accordingly, I am satisfied that the appellant has investigated the alternatives to the proposed site adequately and that there is insufficient evidence to demonstrate that there are potentially suitable alternative sites available.

Conditions

10. The Council has suggested that a condition requiring the removal of the pole and ancillary equipment when it is no longer required for telecommunication purposes. However, this is unnecessary as such condition is deemed to apply to development permitted under the General Permitted Development Order.
11. The Council has proposed that the condition be imposed requiring the colour of the proposed pole be approved by the Council before the start of works. The appellant has indicated that the pole will be coloured grey and the ancillary equipment green. In my view these colours are appropriate to the location and a condition requiring detailed approval of colour by the Council is not necessary.

Conclusion

12. For the above reasons, I conclude that the proposed pole and ancillary equipment would be in keeping with the character and appearance of the local area and that the appeal should be allowed.

J A B Gresty

INSPECTOR