
Appeal Decision

Site visit made on 23 January 2017

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 2 March 2017

Appeal Ref: APP/U3935/W/16/3159833

Land at the Junction of Thamesdown Drive and Torun Way, Swindon, SN25 1QZ

- 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 and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by UK Broadband Ltd against the decision of Swindon Borough Council.
 - The application Ref S/TC/16/1038, dated 7 June 2016, was refused by notice dated 20 July 2016.
 - The development proposed is the installation of a 15 metre high monopole supporting 3 no. antennas and a 0.3 metre transmission dish, the installation of a radio equipment cabinet and electricity meter cabinet, and development works ancillary thereto.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPD0) for the installation of a 15 metre high monopole supporting 3 no. antennas and a 0.3 metre transmission dish, the installation of a radio equipment cabinet and electricity meter cabinet, and development works ancillary thereto, at land at the junction of Thamesdown Drive and Torun Way, Swindon, SN25 1QZ in accordance with the terms of the application, Ref S/TC/16/1038, dated 7 June 2016, and the plans submitted with it.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the surrounding area, and the living conditions of occupiers of neighbouring properties in respect of outlook.

Reasons

3. Approval is sought for the installation of a 15 metre high slimline monopole with three shrouded antennas. In addition to this a 0.3 metre transmission dish, radio equipment cabinet and electricity meter cabinet are also proposed.
 4. The appeal site is an area of grass verge at the back edge of the pavement on the south side of Thamesdown Drive, which at this point is a 40mph classified road. It serves as the main distributor road to the extensive housing, industrial and shopping areas to the north and west of Swindon. Immediately to the west is a large road junction which provides access to residential areas and immediately to the south of the site are residential properties.
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5. There are a proliferation of signs, traffic lights and tall street lights along this section of highway and at the junction. Their number and size is commensurate with the type of road they serve. The monopole would have a similar appearance to that of adjacent street lights and, like these, would be grey in colour. The smaller pieces of equipment would be painted green to blend in with the backdrop of landscaping which separates Thamesdown Drive from the residential properties to the south. Although the monopole would be slightly taller than the nearest street light, in order to stand clear of surrounding buildings and trees, it would be set further back from the edge of the highway which would reduce its prominence in the immediate street scene. Overall, given the existing conditions it would not significantly alter the character and appearance of the area.
6. There are two residential properties in Artus Close which would back onto the monopole. As noted above, between these houses and where the monopole would be sited there are quite dense and high shrubs. Although the top of the monopole would be visible above this its relatively narrow form could not be said to significantly reduce outlook. With these points in mind the monopole would not result in harm to the living conditions of occupiers of these properties.
7. Whilst I have had regard to the Council's development plan policies as a material consideration insofar as they relate to siting and appearance, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply to Class A of Part 16 of the GPDO as it does not require regard to be had to the development plan. Therefore, whilst Policy IN3 of the Swindon Borough Local Plan 2026 (2015) requires justification that all alternative sites have been assessed, and indeed the appellant has supplied evidence in respect of this, as I have found no harm in respect of the siting or appearance of the proposed installation, it is not necessary for me to consider this matter.
8. For the reasons given, the appeal should succeed. The development order imposes relevant conditions as standard.

Hayley Butcher

INSPECTOR