

Appeal Decision

Site visit made on 10 July 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 14 July 2017

Appeal Ref: APP/Z3635/W/17/3171906

Communication Station adjacent to 2 Worple Avenue, Staines-Upon-Thames TW18 1EE

- 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 H3G UK Ltd against the decision of Spelthorne Borough Council.
 - The application Ref 16/01953/T56, dated 24 November 2016, was refused by notice dated 25 January 2017.
 - The development proposed is a replacement of an existing 8 metre monopole and the installation of a 10 metre Alpha 26 monopole and the installation of a pogona cabinet and associated development.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of an existing 8 metre monopole and the installation of a 10 metre Alpha 26 monopole and the installation of a pogona cabinet and associated development at Communication Station adjacent to 2 Worple Avenue, Staines-Upon-Thames TW18 1EE, in accordance with the terms of the application Ref 16/01953/T56, dated 24 November 2016, subject to the conditions set out in the attached schedule.

Procedural Matters

2. I have used the appeal site address from the Council's refusal notice as this is more complete. I have also taken the description of development from the Council's refusal notice as this is more succinct.
 3. For the avoidance of doubt, and as there is no authority to impose planning conditions in respect of detailed prior approval telecommunication matters, at my request the appellant submitted amended plans (22 May 2017) as part of the appeal which includes annotations in respect of the proposed RAL colour for the monopole and the associated development.
 4. In addition, and for the avoidance of doubt, the above amended plans indicate that the existing monopole would not be required and would be removed in the event that the appeal developments were to be installed. This reflects one of the conditions of the GPDO which existed when prior approval 01/00881/T42 was granted for the existing 8 metre high monopole on the site (and such a condition still exists now in the amended GPDO 2015) which states that such development should be removed from the land *"as soon as reasonably*
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practicable after it is no longer required for electronic communication purposes”.

Main Issues

5. The main issue is the effect of the siting and appearance of the development upon the character and appearance of the area.

Reasons

6. The appeal site comprises a pavement area within a residential street and is close to the junction of Worple Avenue and Worple Road. There is an existing brown 8 metre high monopole mast which has the appearance of a telegraph pole and a number of associated equipment cabinets. The existing monopole mast is positioned to the side of No 5 Worple Road.
7. It is proposed to remove the existing 8 metre high monopole mast and to replace it with a brown 10 metre high monopole mast which would be positioned a few metres further to the north and close to the driveway entrance of No 2 Worple Avenue. It is also proposed to erect a new equipment cabinet adjacent to the side elevation of No 5 Worple Road.
8. I have considered the appellant's coverage drawings and I have no reason to disagree that the proposal would improve mobile phone coverage and capacity in the area. In this respect, the siting of the mast would be acceptable and would accord with paragraph 42 of the National Planning Policy Framework (the Framework) which states that *"advanced, high quality communications infrastructure is essential for sustainable economic growth"*.
9. I acknowledge that the proposed monopole would be higher than the existing and that it would be slightly wider. However, and subject to it being finished in a brown colour, I do not consider that it would have a materially greater impact upon the character and appearance of the area than the existing telecommunications mast. Whilst the proposed monopole would be visible in the street, and owing to its different position would be more visible from some residential properties than the existing monopole, taking into account its relatively slim line appearance and the separation distances involved to nearest windows, I do not consider that there would be a significant loss of outlook for the occupiers of neighbouring residential properties. In reaching this conclusion, I am also mindful that no objections have been raised by the occupiers of surrounding residential properties.
10. I note the concerns raised by the Council about the proposed equipment cabin. I consider that allowing another equipment cabin would be on the margins of acceptability in terms of the overall amount of street clutter close to a main road junction. However, and on balance, I do not consider that the additional equipment infrastructure would have materially adverse effect upon the character and appearance of the street-scene.
11. For the reasons outlined above, I conclude that the proposal would be acceptable in terms of its siting and design. Accordingly, it would not have a significantly detrimental impact upon the character and appearance of the area and would therefore accord with the design and amenity aims of Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document 2009 and the Framework.

Conditions

12. The matter of commencement time is already subject to a standard conditions imposed by Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.

Conclusion

13. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Daniel Hartley

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall be carried out in strict accordance with the following approved plans: Drawing Nos SPN060_TP WORPLE AVENUE_ 58490_001; SPN060_TP WORPLE AVENUE_ 58490_002; SPN060_TP WORPLE AVENUE_ 58490_003; SPN060_TP WORPLE AVENUE_ 58490_004; SPN060_TP WORPLE AVENUE_ 58490_005 and SPN060_TP WORPLE AVENUE_ 58490_006 received as part of the appeal on 22 May 2017.