



Appeal Decision

Site visit made on 13 January 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th March 2020

Appeal Ref: APP/J0350/W/19/3240002

Grass verge outside 1 Hawthorne Crescent, Stoke Poges Lane, Slough SL1 3LQ

- 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 EE Ltd and Hutchinson 3G against the decision of Slough Borough Council.
 - The application Ref X/00130/004, dated 13 May 2019, was refused by notice dated 3 September 2019.
 - The development is proposed telecommunications upgrade proposed phase 7 monopole and wrap around cabinets at base and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the living conditions of the nearby residents, in particular Nos. 1 Hawthorne Crescent and 95 Stoke Poges Lane in respect of outlook; and
 - Whether the proposal would lead to an unacceptable flood risk.

Reasons

Character and appearance

3. The appeal site comprises an open area of highway verge to the front of Nos 1 Hawthorne Crescent and 95 Stoke Poges Lane. To the south, the character of the area is defined by a number of commercial uses, which include a petrol filling station, a public house and a small parade of shops. To the north, the land use is generally more suburban in character. Greenery and landscaping, in the form of grass verges and trees are important features within the street scene. Within the vicinity of the appeal site, there is a reasonable amount of existing street furniture, including street lighting, bus stops and existing equipment kiosks. Some distance to the south of the appeal site, across the junction of Hawthorne Crescent and Stoke Poges Lane, is an existing telecommunications mast and associated equipment cabinets.

4. The proposed mast would be situated on a small area of open, undeveloped grass verge which provides an important and valuable green space, in what is a predominately urban environment. At 20m, the mast would be much higher than surrounding buildings. The overall bulk of the mast would also be considerable, when compared with existing street furniture. Due to its height and bulk, the mast and associated equipment cabinets would be clearly visible in views from and along surrounding roads. As a result, the proposal would therefore be an incongruous addition to the street scene. It would draw the eye, resulting in unacceptable harm to the character and appearance of the street scene and the locality.
5. It is submitted that the proposal represents an upgrade to the existing telecommunications site. As a result, no other potential sites or options have been explored and therefore no site search evidence is before me. Whilst there is an existing mast within the vicinity, this is located a considerable distance from the appeal site. On this basis, I do not consider that the appeal proposal would represent an upgrade to an existing telecommunications site.
6. The submitted plans show that this existing mast, along with existing cabinets would be removed as part of the proposal. Whilst the removal of this equipment is detailed on the submitted plans, the existing site is not included within the redline of the appeal site, although this could be controlled via a suitably worded condition. Even if there was a mechanism in place which could secure the removal of the existing mast/equipment, prior to the erection/installation of the appeal development, unacceptable harm would nonetheless still be caused to the character and appearance of immediate area due to the height and bulk of the proposed development.
7. For the reasons outlined above, I conclude that the proposed development would be harmful to the character and appearance of the area and, in this respect, would be contrary to Core Policy 8 (Sustainability and the Environment) of the Slough Local Development Framework (2006-2026) December 2008, Policy EN1 (Standard of Design) of the Adopted Local Plan for Slough 2004 and Paragraphs 113 and 127 of the Framework which collectively seek to achieve a high standard of design.

Living conditions

8. The appeal site comprises an area of open grassland, which lies directly to the front of numbers 1 Hawthorne Crescent and 95 Stoke Poges Lane. The principal elevation of these dwellings faces onto the appeal site. The front boundaries of these properties comprise a combination of low level fencing and a brick-built wall, which provide little in the way of screening.
9. The proposed telecommunications mast would be positioned close to the existing front garden boundary of these residential properties and would be clearly visible. At a height of 20m, the mast would be considerably taller than the ridge height of these properties and that of surrounding street furniture. Its location, directly in front of these dwellings would result in an oppressive and overbearing form of development, clearly visible in views from the principle elevation of these properties. As a result, the proposal would cause harm to the occupiers of the nearby dwellings leading to a material loss of outlook.
10. For the reasons outlined above, I conclude that the proposed development would be harmful to the living conditions of surrounding residents and, in this

respect, is contrary to Core Policy 8 (Sustainability and the Environment) of the Slough Local Development Framework (2006-2026) December 2008, Policy EN1 (Standard of Design) of the Adopted Local Plan for Slough 2004 and Paragraph 127 of the Framework, which amongst other things seek to ensure the design of proposals respects the living conditions of surrounding residents.

Flood risk

11. The appeal site is located within Flood Zones 2 and 3. The Framework (in Footnote 50) identifies when development proposals are required to be accompanied by a site specific Flood Risk Assessment (FRA). Amongst other things, this includes all proposals for new development within Flood Zones 2 and 3. No FRA was submitted with either the appeal application or the appeal, with the appellants submitting that the proposal was exempt on the basis that the proposal would constitute a minor development and, by virtue of Footnote 51, would not require an FRA.
12. Having reviewed Paragraph 163 of The Framework, I am not persuaded by the appellants' submissions. Regardless of whether the scheme is a minor development, Paragraph 164 of The Framework makes it clear that, even minor developments should still meet the requirements for site-specific flood risk assessments set out in footnote 50. Therefore, in the absence of an accompanying FRA, it not possible to conclude that the proposal would not result in increased flood risk within the area.
13. I am unable to therefore conclude that the proposed development would not lead to flood risk in the area, and in this respect, it is contrary to Core Policy 8 (Sustainability and the Environment) of the Slough Local Development Framework Core Strategy (2006-2026) December 2008 and The Framework which collectively seek to minimise and reduce the risk of flooding.

Other Matters

14. My attention has been drawn to the Framework and the benefits of having effective telecommunications networks to support the economy. However, these benefits need to be balanced against the identified harm from the proposal. In this instance, I have identified harm to the character and appearance of the area and to the living conditions of surrounding neighbours. I have also found that the proposal could result in an increased flood risk. Therefore, on balance, and based on the information that is before me, I find that the aforementioned harm outweighs the benefits of the proposal.

Conclusion

15. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR