



Appeal Decision

Site visit made on 22 June 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2020

Appeal Ref: APP/N1920/W/20/3246604

Existing Telecommunications Mast, Opposite 123 Little Bushey Lane, Bushey WD23 4RB

- 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 MBNL (EE & H3G) against the decision of Hertsmere Borough Council.
 - The application Ref 19/1554/FUL, dated 30 September 2019, was refused by notice dated 25 November 2019.
 - The development proposed is described as "the replacement of an existing 12.0m monopole with a 20.0m high monopole supporting 12 no antenna apertures, together with the installation of ground-based equipment cabinets and ancillary development thereto."
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the address of the appeal site from the appeal form as this is a better identification of the site.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, 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

Character and Appearance

4. The proposed new mast would be substantially taller than the existing 12 metre high mast and any other existing street furniture and wider than any lamp column, telegraph pole or mast in the vicinity of the appeal site. It would be visible above the trees and other vegetation that are established along the verge on which the mast would be sited, where the existing mast to be replaced is screened in longer views along the street.
5. The proposed mast would be prominent in views along Little Bushey Lane and Mendip Road and in particular from Nos 123 and 125 Little Bushey Lane, immediately opposite the site. it would be a dominant and discordant feature in

the street scene due to its height. While an appropriate colour finish could soften its appearance, I do not consider that it would wholly offset the harm arising from its size within the context of the much smaller existing street furniture and the open field.

6. In addition to the mast, several new cabinets would be installed as part of the development. These cabinets would not, the appellant suggests, require planning permission under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, they would be part of the development and I have no evidence that they would be installed otherwise. I have therefore considered the cumulative impact of both the mast and the associated cabinets in determining the appeal. The new cabinets would cumulatively be much larger than the cabinets to be replaced. As a result of their size and the limited space between them and the mast they would add to the overall visual clutter arising from the development.
7. I therefore find that the development proposed would be harmful to the character and appearance of the area. It would conflict with Policy CS22 of the Core Strategy January 2013 (the CS) and Policy SADM30 of the Site Allocations and Development Management Policies Plan November 2016 (the DMPP). Amongst other criteria, these require that new development makes a positive contribution to the built and natural environment.

Exploration of Alternative Sites

8. The appellant has searched for alternative sites within 100 metres of the appeal site without success. Their preference in any case is for the upgrading of an existing base station based on the sequential approach set out in their statement of case. The search radius was limited because of the need to fill an existing 5G coverage gap that would not be adequately filled by an installation outside of this search area.
9. The development would facilitate 2G, 3G, 4G and 5G coverage, the last of which is not presently available in this area. The mast would be shared by 2 operators. The appellants have stated that the height of the mast is the minimum necessary to provide coverage and meet the requirements of the International Commission on Non-Ionizing Radiation Protection (ICNIRP). I see no reason to dispute this.
10. However, from the appellant's submissions no consideration was given to sites within the search area that are not already occupied by a mast. While the appeal site may represent the sequentially preferable location on technical grounds, the development proposed would be a larger and more prominent feature in the street scene than the existing mast and cabinets. It would have a significantly greater visual impact than the existing installation. The appellant suggests that the visual impact would be acceptable, but as set out above I do not consider that this is the case. No evidence has been submitted to show that alternative sites within the search area were considered given the sequential preference for an existing mast site. It is therefore not possible to say whether any other suitable sites exist that could have resulted in a reduced visual impact.
11. I am not therefore convinced that the necessary evidence has been provided to show that the possibility of erecting antennas on an existing building, mast or

other structure has been explored. It therefore conflicts with the requirements of Policy CS22 of the CS, and DMPP Policy SADM30, which amongst other things require that development proposals take advantage of opportunities to improve the character and quality of an area. It also conflicts with the National Planning Policy Framework (the Framework), specifically Paragraph 115.

Other Matters

12. I recognise that there is a growing need and demand for connectivity, the benefits of which have been highlighted by the ongoing COVID-19 pandemic. There is also government support for the rollout of improved telecommunications technology, even where this results in the need for new installations. I have given these matters weight in determining this appeal, but my decision has been made in accordance with the development plan as a whole.
13. My attention has been drawn to previous appeal decisions in which other Inspectors supported proposals for new telecommunications installations. I have had regard to these decisions, but I note differences in the Inspectors' findings regarding those appeals, and my own regarding this appeal. In the Acklam appeal the Inspector found that there would be substantial softening of the mast by an adjacent tree. In the Felthorpe case the Inspector balanced the visual harm of the proposed mast against the introduction of 2G, 3G and 4G coverage in an area with no existing coverage. In the Bromley case the Inspector found that the development would not significantly contribute to street clutter, that there would be limited visual impact when viewed from the nearest residential properties, and that alternative site assessment of more than 20 sites had been carried out. The Inspector in the Orpington case found that the mast would appear similar to other street furniture in the area. The Inspector in the Hull case likewise found the proposed mast would be similar in appearance and size to existing telegraph poles and lighting columns. The Winchester and Wells decisions related to proposals for Prior Approval development, and therefore were assessed under different criteria than the appeal before me. Given these differences I only give limited weight to these previous decisions.
14. The appellant has suggested that the Council did not carry out a full balancing exercise in their determination of the planning application. It is not the purpose of this appeal to revisit the Council's consideration of the application. However, in the interests of clarity, I confirm that I have taken account of all the evidence before me in determining this appeal and balanced the benefits and harm of the development proposed in reaching my decision.
15. Concerns have been expressed regarding the effect of the development proposed on health. I note that the appellant has provided evidence to show that the installation would comply with the guidelines set by the ICNIRP, in accordance with paragraph 115 of the Framework. I do not have any evidence before me to determine this appeal other than in accordance with Government guidance regarding this matter.
16. Concerns have also been expressed about the potential for noise from the installation. During my visit I heard a continuous hum from the existing installations that I found was audible from the opposite side of Little Bushey Lane and for some distance into Mendip Road. However, I also noted that the sound was not audible above that of passing traffic. I do not have any evidence

before me that the proposed installation would result in a significant increase in noise. I do not therefore consider that the development would result in unacceptable harm to the living conditions of neighbouring residents due to noise.

Conclusion

17. Having considered all the above points, I dismiss the appeal.

M Chalk

INSPECTOR