



Appeal Decision

Site visit made on 8 June 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2020

Appeal Ref: APP/M3835/W/20/3245696

Westbound grass verge, Goring Road, West Worthing, Worthing, BN12 4BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by EE Limited against the decision of Worthing Borough Council.
 - The application Ref AWD/1781/19, dated 14 November 2019, was refused by notice dated 27 December 2019.
 - The development proposed is mast and supporting equipment: 1x slim 15 metre high ground based Alpha 8 streetpole; 1x tri-sector antennae within GRP shroud; 1x MK5 link AC cabinet (1500x1200x500); 1x Cobra cabinet (1645x1805x800); other ancillary equipment and underground cabling.
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Decision

1. The appeal is allowed and prior approval is granted for installation of a 15 metre high ground based alpha 8 streetpole, tri-sector antennae, two equipment cabinets and other ancillary equipment at Westbound grass verge, Goring Road, West Worthing, Worthing, BN12 4BB, in accordance with the application Ref AWD/1781/19, and the plans submitted with it, dated 14 November 2019.

Procedural Matters

2. The description of development used in the banner heading was taken from the application form. The description used in the formal decision is taken from the Council's decision notice as it accurately summarises the proposed development. The plans¹ show that the mast and cabinets will be painted green, I have dealt with the appeal on this basis.
3. The provisions of the relevant parts of Part 16, Schedule 2 of the Town and Country Planning General Permitted Development Order 2015 ("GPDO") require that the local planning authority assess the proposed development solely on the basis of siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.

¹ Particularly HD102_22066-300 rev C

Reasons

Appearance

4. The site comprises an open area of land with the appearance of a grass verge, associated with the A259. Within this area, the pole and supporting plant would sit in the space around an existing lamppost and a set of traffic lights. To the east of the site there is a line of mature trees. These have grown to exceed the height of the surrounding predominantly residential buildings. The mast would be set close to the intersections with Alinora Avenue and Clive Avenue, so it would be visible from four directions.
5. The mast would appear as a slim structure, green in colour. Because of its siting on a verge between two roads, it would be located away from any residential property. In short views at ground level and from the windows of the nearby block of flats known as Parklands Court it would appear as an anonymous street pole, similar in appearance to the surrounding lampposts. The excess height associated with the mast would not significantly detract from the outlook of any residential property.
6. The cabinets at ground floor level would be modest in size. They would not appear out of place given the existing street furniture around the site, including the nearby bus stop and traffic lights. The development would not be of a scale whereby it significantly detracts from the openness of this grass verge.
7. In longer views, including from east and west along the A259 the structure would be seen in a context where there are many existing vertical lampposts. The mast would rise to a greater height than these lampposts and the adjacent street trees. However, the excess height in relation to the trees is limited and the structure would not therefore appear unduly tall. The slimline design of the pole and its green colour means that it would not compete for visual attention with these trees. Because of their substantial size, in all respects except for maximum height they would remain considerably more prominent in longer views than the proposed mast.
8. As such, whilst the mast would be visible in the street-scene, due to its slimline design and green colour there would be no harm to the character and appearance of the area. Nor would there be any adverse effect on the living conditions of nearby residents through loss of outlook. The appearance of the proposal is acceptable. It complies with policy 16 of the Worthing Core Strategy (April 2011) which requires good quality design.

Siting

9. The appellant states that the existing facility on St John's Parade cannot be upgraded to house the desired 3G/4G equipment which has prompted the need for this development. A range of other sites in the surrounding area were considered and discounted, indicating that there is no appropriate alternative to this proposal. Whilst a preference is expressed that the pole is sited elsewhere, there is no significant evidence before me to counter the appellants assertions in this respect. This issue was not reflected in the Council's reason for refusal. I consider that sufficient justification has been provided by the appellant, in relation to the need for this development. Prior approval should not be withheld on these grounds. The siting of the proposal is acceptable.

Other Issues raised

10. I have considered the other issues raised by interested parties. The proposed mast and supporting cabinets do not create overlooking, so the proposal does not raise privacy issues. From the perspective of passing road users the pole would be indistinguishable from a lamppost of which there are many around the site. There would be no harmful traffic impact and the proposal does not raise highway safety issues. Any construction activity would be likely to be of brief duration given the minor nature of the works involved. Over the long term the proposal would not create any significant noise, pollution or congestion. The appellant confirms that the proposal would comply with the health safeguards set out in the International commission for public exposure.
11. There is no conflict with the National Planning Policy Framework, which amongst other things supports high quality communications.

Conclusion

12. For the reasons set out above, I conclude that the appeal should be allowed. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to the conditions set out in the GPDO including A2(2), which specifies that the development shall be removed from the land on which it is situated as soon as reasonably practicable after it is no longer required for electronic communication purposes and the land restored to its condition before the development took place. No other conditions are necessary to make the proposal acceptable.

Neil Holdsworth

INSPECTOR