
Appeal Decision

Site visit made on 21 September 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2020

Appeal Ref: APP/B1930/W/20/3253987

Existing Mast, Hatfield Road, St Albans AL1 4SY

- 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 St Albans City & District Council.
 - The application Ref 5/19/2447, dated 11 November 2019, was refused by notice dated 31 January 2020.
 - The development proposed is the replacement of an existing 14.70m monopole with a 20.00m high streetworks pole supporting 12no antenna apertures, together with the installation of ground-based equipment cabinets and ancillary development thereto.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of an existing 14.70m monopole with a 20.00m high streetworks pole supporting 12no antenna apertures, together with the installation of ground-based equipment cabinets and ancillary development thereto at Existing Mast, Hatfield Road, St Albans AL1 4SY, in accordance with the terms of the application, 5/19/2447, dated 11 November 2019, subject to the conditions set out at the end of this decision.

Procedural Matters

2. I have used the site address as it appears on the application form rather than as set out upon either the Council's Decision Notice or the appeal form. This is because it is sufficiently clear and is consistent with the site's location as depicted upon the plans submitted.
3. I have noted reference within the evidence before me to the emerging St Albans City and District Council Local Plan 2020-2036 (the SACDCLP). Nevertheless, there is nothing before me to indicate that the SACDCLP is currently at a stage that should attract anything more than limited weight. I shall consider the appeal on this basis.

Main Issue

4. The effect upon the visual amenity of the area.

Reasons

5. The site occupies a part of the public highway or, more specifically, the footway that runs the southern side of Hatfield Road, which is a well-trafficked classified route that provides carriageway and footway connections into the centre of St

- Albans. An existing monopole and low-level cabinets already exist in proximity to where the new streetworks pole (the new pole), supported antenna apertures and ground-based equipment cabinets are intended to be installed.
6. The new pole would be located to the front of the footway and, due mainly to its height, would be readily visible from a range of different publicly accessible local vantage points. It would nevertheless be of slimline design, including to its uppermost elements where the intended antenna apertures would be positioned. In an inner-urban environment where various streetlighting infrastructure already exists, I do not consider that the new pole would appear as an entirely unexpected addition.
 7. Indeed, the existing monopole does not presently appear as a particularly prominent or striking feature set alongside Hatfield Road. Whilst the new pole would be higher and of thicker design, I remain unpersuaded that it would appear out of place or unduly visually dominant. This is particularly if it were to be coloured grey to reflect the standard specification of streetlighting columns locally.
 8. Several ground-based equipment cabinets (the new cabinets) of utilitarian appearance are proposed, that would, like the new pole, be sited towards the northern front edge of the footpath. These new cabinets would include housing for the new pole's base/foundation. As illustrated upon the suite of plans submitted, the new cabinets, when compared to the cabinets that currently exist in proximity to the existing monopole, would typically be taller, wider and slightly more prominently sited. Whilst they would be closely positioned to each other, which would limit their cluttering effect, the new cabinets would have a negative influence upon the visual amenities of the area.
 9. I have noted the appellant's assertion that each of the new cabinets could be installed under permitted development rights afforded under Class A, Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). However, I have not been provided with any formal confirmation in this regard. Furthermore, there are various provisions and conditions set out under Class A, Part 16 and it is not my role here to consider each of the new cabinet's potential applicability.
 10. For the above reasons, the proposal would cause a limited degree of harm to the visual amenity of the area in conflict with saved Policy 69 of the St Albans District Local Plan Review (November 1994) in so far as it requires all development to have an adequately high standard of design taking into account factors including the scale and character of its surroundings.

Planning Balance

11. The proposal would support high quality communications and digital connectivity by upgrading the existing radio base station at the site's location to provide for 5G services and improved 4G connectivity for two different nationwide networks. As set out in the National Planning Policy Framework (February 2019) (the Framework), advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. The benefit of improved digital communications networks attracts considerable weight.

12. Whilst the Council has suggested that insufficient justification has been provided in terms of the proposal's siting, it is evident that the scheme is focussed upon upgrading existing equipment. I thus see merit in the argument that the scheme's siting would support the continued efficient operation of the network and guard against gaps being left in network coverage. Although the new cabinets would cause some harm to the visual amenities of the area, a small degree of harm would, to my mind, be unavoidable if installed to support the intended upgrades at this site. The limited harm and associated policy conflict that I have identified would be outweighed by the considerable benefit that would be provided by the proposal to digital communications networks. Thus, material considerations indicate that the proposal should be determined other than in accordance with the development plan in this case.

Conditions

13. The Council has suggested three conditions that the appellant has had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended a couple of them for consistency and clarity purposes.
14. In the interests of certainty, a condition specifying the approved plans is required. In the interests of limiting the visual effect of the development, a condition confirming that the external surface of the new pole is to be galvanised and coloured grey and that the external surfaces of the new cabinets are to be coloured grey (as specified within the appellant's appeal statement) is both reasonable and necessary. Whilst the Council's third suggested condition refers to details of the external surfaces of the development being as stated on the approved plans, it is unclear what precise details are being referred to. Hence the approach I have taken.

Conclusion

15. For the above reasons, the appeal is allowed subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in full accordance with the following approved plans: 002 SITE LOCATION PLAN; 215 PROPOSED MAX CONFIGURATION SITE PLAN; 265 PROPOSED MAX CONFIGURATION ELEVATION.
- 3) The external surface of the streetworks pole hereby permitted shall be galvanised and coloured grey, and the external surfaces of the ground-based equipment cabinets hereby permitted shall be coloured/painted grey.