



Appeal Decision

Site visit made on 28 September 2020

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19TH October 2020.

Appeal Ref: APP/K3605/W/20/3249593

Scilly Isles Junction, Portsmouth Road, Esher KT10 9UF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by EE Ltd against the decision of Elmbridge Borough Council.
 - The application Ref 2019/3576, dated 20 December 2019, was refused by notice dated 5 February 2020.
 - The development proposed is the installation of 1No. 20m 'Phase 5' street pole, 3No. shrouded antennas, 2No. 0.3m dishes, and 3No. ground-based equipment cabinets and ancillary development thereto.
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Decision

1. The appeal is allowed, and prior approval is granted under the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of 1No. 20m 'Phase 5' street pole, 3No. shrouded antennas, 2No. 0.3m dishes, and 3No. ground-based equipment cabinets and ancillary development thereto, at land at Scilly Isles Junction, Portsmouth Road, Esher KT10 9UF, in accordance with the terms of the application Ref 2019/3576, dated 20 December 2019 and the plans submitted with it including drawing refs: 01 REV B ; 02 REV B and 03 REV B.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The appeal site is located within the Green Belt. The Council's evidence refers to the proposal being 'inappropriate development' and harming 'openness' in the Green Belt. As referred to above, the only issues I can consider in respect of this appeal are siting and appearance. Accordingly, the principle of development is not a consideration and therefore it is not necessary for me to assess whether or not a proposal represents inappropriate development in this appeal.

Planning Policy

4. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard to be had

to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed development on the character and appearance of the surrounding area.

Reasons

6. The appeal site comprises a small grassed area of highway verge land located close to the busy Scilly Isles Junction roundabout and the Marquis of Granby public house. The surrounding area is characterised by the road infrastructure associated with the roundabout, that includes signage, streetlights and the hard surfaces of the many roads that connect to it. Other built development within the setting of the appeal site and roundabout includes a small number of primarily two-storey dwellings and the aforementioned public house. An expansive area of large, mature trees surrounds the roundabout which partially softens the built development in the area.
7. The proposed street pole and antenna would be 20m in height, although it would occupy a very small development area. From close quarters the proposed structure would rise above the existing trees, however, this would not be to an excessive degree, while the structure's slim appearance and proximity of the adjacent trees would help it blend in with its surroundings. Moreover, the structure's fir green colour would also help to soften its appearance. From medium and longer distant views, the proposal would either be totally screened or partially obscured by the existing trees that border the surrounding arms of the roundabout, therefore reducing its prominence further.
8. Additionally, the proposed pole and antenna would be seen in context with the numerous streetlights lining the adjacent highway. These would further reduce the prominence of the structure and would help it assimilate with the prevailing setting. Consequently, I consider it would have an acceptable siting and appearance.
9. The proposed associated equipment cabinets would be grouped closely together near the base of the pole and antennae. They would be modest in height compared with the surrounding street furniture and buildings, while the appearance of the cabinets would be softened by the tall mature trees that would rise above them a short distance to the south. Therefore, the proposed equipment cabinets would be acceptable in terms of their siting and appearance.
10. I am satisfied that both the siting and appearance of the proposed development would not result in any harm to the surrounding area.

Other Matters

11. On the opposite side of the road and further to the appeal site's north west, are the grade II listed Yew Tree Cottages. This pair of late 18th century cottages are timber framed set above a rendered plinth with a central ridge chimney stack. The forecourt and undeveloped spaces around the cottages help display their historical detailing, whilst the tall boundary trees that partly surrounds them provides a soft edge that neatly frames the cottages. These setting features contribute towards the listed building's significance.

12. The proposed development would be screened by the boundary trees that surround Yew Tree Cottages, whilst sited on the opposite side of the road. The proposal and the listed cottages would be sited a reasonable distance away from one another, such that they would not be readily observed together. Therefore, I do not consider that the setting of the cottages would be harmed.
13. I note the third-party concerns, but as I have found that the appearance and siting of the proposed development would be acceptable in the context of the area, there would not be any harmful effects on Littleworth Common and the surrounding countryside.

Conditions

14. Any planning permission granted for antenna and ground based equipment housing under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin no later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.
15. I have noted the planning conditions suggested by the Council. However, the Order does not provide any specific authority for imposing additional conditions beyond those set out in the order. Accordingly, I do not consider it appropriate to impose any further conditions.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

R. E. Jones

INSPECTOR