



Appeal Decision

Site visit made on 16 February 2021

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th March 2021

Appeal Ref: APP/K3605/W/20/3259992

Brooklands Road, Weybridge Heath South Car Park, Weybridge KT13 8UD

- 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 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 2020/1543, dated 30 June 2020, was refused by notice dated 21 August 2020.
 - The development proposed is installation of 1No. 10.0m high Hutchinson Engineering Alpha 26 pole with 1No. tri-sector antenna within shroud, 3No. ground-based equipment cabinets.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and 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 1 No. 10.0m high Hutchinson Engineering Alpha 26 pole with 1No. tri-sector antenna within shroud, 3No. ground-based equipment cabinets at land at Brooklands Road, Weybridge Heath South Car Park, Weybridge KT13 8UD in accordance with the terms of the application Ref 2020/1543, dated 30 June 2020, and the plans submitted with it including 01 Rev D; 02 Rev D; 03 Rev D; 04 Rev D; 05 Rev D; 06 Rev D; 07 Rev D.

Procedural Matter

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.

Planning Policy

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

Main issue

4. The main issue in this appeal is the effect of the siting and appearance of the proposed development on the character and appearance of the area.

Reasons

5. The proposed development includes the provision of a 10m high monopole, along with the provision of three ground-based equipment cabinets. The antennas would be contained within a shroud at the top of the monopole, with the plans showing the cabinets to be coloured Fir Green, with the monopole to be Olive Brown. The installation would be positioned on an area of pavement adjacent to an existing entrance to the railway station and the car park.
6. Whilst the appeal site lies within the urban area, the character of the surrounding area is open and sylvan in nature. The existing railway buildings are predominately single storey, with the station and associated platform set in a cutting. Within the surrounding areas, whilst there is an abundance of street furniture, including lighting columns, road signs, bollards, and signage associated with the railway station, these are relatively low in height, and are seen against the existing verdant backdrop.
7. The appeal proposal would have a relatively small footprint, however, the proposed monopole would be bulkier and taller than the existing street furniture and surrounding trees. Due to its height and bulk, the monopole and, to a lesser extent, the associated equipment cabinets, would be visible in views from and along surrounding roads. Whilst these views would be mainly local, due to its siting and appearance, the installation would appear as a relatively prominent feature within these views. As a result, it would be out of keeping with the open character of the area.
8. I therefore find some harm to the character and appearance of the area. Consequently, the proposal would therefore fail to comply with Policy DM16 of the Elmbridge Local Plan Development Management Plan (LP), which, amongst other things, seeks to ensure telecommunication installations avoid adverse effects upon visual amenities. In this respect, the proposal would also not be in accordance with LP Policies DM1 and DM2, Policies CS4 and CS17 of the Elmbridge Core Strategy and the Elmbridge Local Plan Design and Character Supplementary Planning Document April 2012, in relation to ensuring that the siting and design of proposals preserves or enhances the character of the area.

Other considerations

9. The appellant has referred me to paragraph 112 of The Framework, which states that advanced, high-quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communication networks, including next generation mobile technology.
10. The appellant submits that the adjoining railway line has extremely poor network coverage and the proposed installation would deliver significantly improved voice, data and WiFi services, thereby helping to meet obligations with regards to the coverage of the train network. The need for the development is not disputed by the Council. Furthermore, the appellants have identified that the site would form part of the new 4G Emergency Services

Network. The development would therefore have an acknowledged economic and social benefit.

11. The appellant has considered a number of alternative locations for the installation. However, these have all been discounted by the appellant for reasons of having a greater visual impact; impact upon the Green Belt; restricted coverage and access due to tree cover; and technical difficulties in relation to installation. The appellant has referred me to further assessment work that was undertaken with regards to an alternative site within Weybridge Heath South Car Park, with the evidence showing that, even with a taller structure, due to existing tree cover, there would be technical difficulties with this location.

Planning Balance

12. The proposal would cause some harm to the character and appearance of the area through the siting and appearance of the installation. This harm weighs against the proposal.
13. On the other hand, the Framework states the importance of high-quality communications infrastructure in respect of the economy and community. The appellant has demonstrated the need for the development and that there are no other realistic options to deliver the installation. I therefore accord the public benefits of the proposal and lack of alternative sites substantial weight.
14. I conclude that, when taken together, the benefits of the proposal would clearly outweigh the harm to the character and appearance of the area.

Conditions

15. Any planning permission granted 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 not 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.

Conclusion

16. Whilst I have identified some harm to the character and appearance of the proposal's immediate environment by way of its visual impact, this harm is clearly outweighed by the appeal scheme's social and economic benefits.
17. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

Adrian Hunter

INSPECTOR