



Appeal Decision

Site Visit made on 9 November 2021

by Stewart Glassar BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2021

Appeal Ref: APP/R3650/W/21/3275708

Caesars Place, Ockford Road, Godalming GU7 1QW

- 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 and H3G (UK) Ltd) against the decision of Waverley Borough Council.
 - The application Ref WA/2019/1932, dated 5 August 2019, was refused by notice dated 3 December 2020.
 - The development proposed is the installation of a 5.5m high alpha pole, 4no. 600mm dishes and 4no. equipment cabinets at rooftop level, along with development ancillary thereto.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a 5.5m high alpha pole, 4no. 600mm dishes and 4no. equipment cabinets at rooftop level, along with development ancillary thereto at Caesars Place, Ockford Road, Godalming GU7 1QW in accordance with the terms of the application, Ref WA/2019/1932, dated 5 August 2019, subject to the conditions in the attached schedule.

Preliminary Matters

2. The site address was incorrectly described on the application form as being Ockford Place, rather than Ockford Road. I have used the correct address in the heading for my decision.
3. A revised Framework¹ was published by the Government between the determination of the planning application and the appeal coming before me. I am satisfied that this latest version of the Framework does not raise any new considerations in relation to this appeal. The substantive elements thereof remain the same as the previous iteration in regard to the main issues of the appeal.

Main Issues

4. The main issues are a) whether the proposal would preserve or enhance the character or appearance of the Ockford Road Conservation Area (ORCA), the effect on the setting of a designated heritage asset and the effect on the setting of nearby listed buildings; and b) the living conditions of neighbouring occupants.

¹ National Planning Policy Framework (2021)

Reasons

Heritage Assets

Conservation Areas

5. S.72 of the Act² requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 199 of the Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation. Policy HA1 of the Strategic Policies and Sites Local Plan³ (SPSLP) and Policy HE8 of the Local Plan⁴ (LP) broadly accord with this approach.
6. The appeal site is located within the ORCA which is characterised by its linear north-east/south-west alignment based around Ockford Road. Its significance is also reflected in the variation in the density and age of buildings, which echoes the development of the area away from the town centre over time. This is also shown in the number of buildings that are set close to their site frontages or have access directly onto the public footpath.
7. The appeal building is located towards the north eastern end of the ORCA. It is set slightly back from its frontage with Ockford Road and has a purpose-built vehicular entrance with a car parking area on its south western boundary. These aspects, together with the building's design, materials and scale, mark it out as a more recent addition to the area.
8. The proposed equipment would be positioned on the roof, towards the rear of the building. It principally comprises a 5.5m high alpha pole, which would be installed over the building's existing lift overrun and therefore positioned away from the edge of the roof. It would be painted white to have an appearance similar to that of a flagpole. The dishes would be installed onto a support frame positioned around the alpha pole. The equipment cabinets would be located to the south of the pole and closer to the edge of the roof. They would be painted to match the building's façade. Although this equipment would increase the number of elements on the roof, given their sizes, positions and appearance, they would not appear particularly out of keeping with this modern building.
9. Due to the density and positions of buildings along Ockford Road, the equipment would be visible but generally only in the vicinity of the site and such views would be limited to brief glimpses between buildings. There would be an opportunity for longer distance, slightly oblique views across the ORCA from Valley View, which is outside the ORCA. However, the equipment would be viewed against a backdrop of trees, buildings and rising land thereby limiting its prominence.
10. The main opportunity to see all of the equipment would be from the site entrance, where it is possible to look down the access road and across to the rear of the building and its roof. This view would be mainly of a modern building which would also take in the landscape beyond the ORCA. Given the above, the development would have a limited negative impact. Nevertheless, it would not preserve or enhance the character or appearance of the ORCA. In

² Planning (Listed Buildings and Conservation Areas) Act 1990

³ Waverley Borough Local Plan Part 1: Strategic Policies and Sites (2018)

⁴ Waverley Borough Local Plan (2002)

this respect the proposal would be contrary to Policy HA1 of the SPSLP and Policy HE8 of the LP, which amongst other things, seek to ensure that new developments respect the significance of heritage assets and that the character of conservation areas is preserved or enhanced.

11. Given my observations above, the level of harm I would attribute to this would be less than substantial. Nevertheless, considerable importance and great weight should still be given to the conservation of this designated heritage asset when balancing the harm against any public benefits. This is a matter I return to below.
12. The appeal site is also within the setting of the Godalming Town Centre Conservation Area (GTCCA), a designated heritage asset. Paragraph 200 of the Framework requires that consideration be given to any harm to, or loss of, the significance of a designated heritage asset. The GTCCA is characterised by a compact historic core with relatively narrow streets and predominantly domestic scale buildings on either side which provide a sense of enclosure.
13. Views from within the GTCCA are mainly limited to the main retail streets rather than the landscape beyond. Accordingly, views of the appeal site from within the GTCCA are limited. The proposed equipment would be mainly visible from the vicinity of Station Road/Ladymere Place. However, such views of the appeal site would encompass a number of other modern buildings and a public car park in the foreground. Existing, more contemporary buildings would prevent views of the site from the High Street/Ockford Road junction.
14. Viewed in that context and given the distances involved, I find that the setting of the GTCCA would be preserved. Accordingly, in this respect the proposal would accord with Policy HA1 of the SPSLP and Policy HE8 of the LP, which amongst other things, seek to ensure that new developments respect the significance of heritage assets.

Listed Buildings

15. S.66 of the Act requires me, when considering whether to permit development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy HA1 of the SPSLP broadly reflects this approach.
16. The Waggoners is a Grade II listed former alehouse which has been converted to three dwellings. This building is located some 50m to the south west of the appeal site, along Ockford Road. It derives interest from its timber frame with painted brick infill and a number of other period features. It is positioned directly on to Ockford Road, as are the buildings either side. The building's setting is therefore largely derived from this intimate relationship with the neighbouring buildings and the more distant trees which provide a wider backdrop. Given the distance and position of the listed building to the appeal site, the proposal would have little impact on the character of the space around the listed building and would not detract from its significance.
17. Beechdene, Notley and Town House (Nos. 15-19 Ockford Road) form a Grade II listed terrace of three, two-storey properties, which are said to date from the early 19th century. They are of interest for the quality of their architecture and their positive contribution to the street scene. Small front gardens ensure the

properties are set back from Ockford Road and provide the buildings with an area of open space within which they sit and can be observed as a group. Given that the appeal site is separated from this listed terrace by Ockford Road (an A class road), the appeal building is three-storeys in height at this point and the considerable distance to where the proposed equipment would be installed, I find there would be no adverse effect on the setting of this listed terrace.

18. Given my observations above, I find that there would be no material harm to the heritage significance of the setting to any of the nearby listed buildings. Accordingly, in this respect the proposal would accord with Policy HA1 of the SPSLP, which amongst other things, seeks to ensure that the significance of heritage assets and their settings is conserved.

Living Conditions

19. The proposal would not result in substantial amounts of built form being erected on the roof. The cabinets would be solid features, but their overall sizes are relatively contained and are said to individually be less than 2.5 cubic metres in volume. The antenna pole and support frame for the dishes would be taller but are comparatively slight structures.
20. It is possible that some residents of Caesars Place, mainly on the upper floors, would be able to see parts of the equipment from their windows. Those residents who would have the most direct views of the equipment would be those located on the opposite side of the building and thus furthest away from it. Views from this part of the building would encompass the sky and not just the building or its roof. Thus, any sightings of the equipment would form only a limited part of the outlook. Those residents who are closer to the equipment would have a more acute line of sight and thus would be able to see less of it.
21. Given my reasoning above, the proposal would not represent an oppressive form of development as a result of its design, siting or visibility. Therefore, the proposal would not harm the living conditions of neighbouring occupants. Accordingly, the proposal would comply with Policy TD1 of the SPSLP and Policies D1 and D4 of the LP, which amongst other things, seek to ensure development is of an appropriate design, form and appearance such that it protects the character of an area and the environment of neighbours.

Other Matters

22. Concerns have been raised regarding the safety of the equipment. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified. For those reasons, I consider that potential effect on health, or fears about health, are not a determining issue in this case.
23. It has been suggested that there would be noise and disturbance from the equipment. The appellant has confirmed that such equipment is designed to be

located on the roof of a residential building and so noise generation is not anticipated. I have no substantive evidence to come to a different conclusion.

24. There may be some disruption during the construction phase and given the nature of the equipment, it is understandable if access might be required at unsociable times. However, the rights of access through the building and any associated issues would be a matter for the property owners to consider and are outside the scope of this appeal.

Planning Balance

25. I have found less than substantial harm in relation to the ORCA. In accordance with Paragraph 202 of the Framework, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
26. The proposal would replace telecommunications equipment being lost elsewhere and is required to ensure continued 3G and 4G coverage in the area. It is also said to boost coverage in certain other areas of the town. I have no reason to doubt the appellant's requirements or site selection process. The Government's stated objective, in paragraph 114 of the Framework, is to support the expansion of electronic communications networks. Advanced, high quality and reliable communications infrastructure has been identified as being essential for economic growth and social well-being. The proposal would therefore represent a significant public benefit in the context of the Framework.
27. I give great weight to the conservation of the heritage asset, but I find that the harm to the ORCA would clearly be outweighed by the significant public benefits of the proposal. I therefore consider that these factors outweigh the conflict with Policy HA1 of the SPSLP and Policy HE8 of the LP.

Conditions

28. In addition to the standard time limit condition, I have imposed a condition listing the approved plans in the interests of certainty. Given the importance of the equipment being finished to complement the building, I have attached a condition requiring the external finishes to be as specified in the submission. There would be some disruption during the construction phase and although that period is said to last only two weeks, given that the works are on the roof of a building providing residential accommodation, a limit on the construction times is necessary.

Conclusion

29. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Stewart Glassar

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

002 Site Location Plan:

1537770_WVL123_96443_GU0644_M003 Rev C

200 Proposed Shared Site Plan:

1537770_WVL123_96443_GU0644_M003 Rev C

250 Proposed Elevation:

1537770_WVL123_96443_GU0644_M003 Rev C

- 3) The external finishes of the alpha pole and equipment cabinets, as shown on the approved plans, shall be applied prior to the first use of the alpha pole and equipment cabinets respectively and shall be retained as such thereafter.
- 4) Construction works shall take place only between 0800 and 1800 hours on Monday to Friday; between 0800 and 1300 hours on Saturdays; and shall not take place at any time on Sundays or on Bank or Public Holidays.

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