



Appeal Decision

Site visit made on 24 November 2021

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 DECEMBER 2021

Appeal Ref: APP/K3605/W/21/3271160

Manor Road North, Elmbridge, Surrey KT10 0AG

- 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 Dot Surveying Ltd against the decision of Elmbridge Borough Council.
 - The application Ref 2020/2569, dated 2 October 2020, was refused by notice dated 1 December 2020.
 - The development proposed is 15m phase 8 monopole complete with wraparound cabinet at base.
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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 15m phase 8 monopole complete with wraparound cabinet at base at land at Manor Road North, Elmbridge, Surrey KT10 0AG in accordance with the terms of the application Ref 2020/2569, dated 2 October 2020, and the plans submitted with it including ELM10129_PLANNING_REV_B Issue B 002, ELM10129_PLANNING_REV_B Issue B 215, ELM10129_PLANNING_REV_B Issue B 265, ELM10129_PLANNING_REV_B Issue B 304, ELM10129_PLANNING_REV_B Issue B 305, ELM10129_PLANNING_REV_B Issue B 306

Preliminary Matters

2. This is an application for Prior Approval. Therefore, the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO) 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. Matters of biodiversity, property values and effects during construction fall outside the scope of this decision. This appeal will be determined on this basis.

Planning Policy

3. Part 16 of the GPDO establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.

4. Nevertheless, Policies DM2, DM16 of the Elmbridge Local Plan Development Management Plan April 2015 and Policy CS17 of the Elmbridge Core Strategy July 2011 are material considerations as they relate to issues of siting and appearance. Together these Policies seek to permit the installation of telecommunications where there is no significant adverse effect on the visual amenities of the area and require that all new development should achieve high quality design, appropriate to local character. Similarly, the National Planning Policy Framework July 2021 (the Framework) is also a material consideration, and this includes a section on supporting high quality communications.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

6. The appeal site is a traffic island which is mainly laid to grass with trees and planting. There is a bus stop and pavement as well as functional items including a litter bin, electrical boxes, a telegraph pole, and street lighting. It is located in a mainly residential area characterised by two storey detached houses with generous front gardens and street trees providing a leafy feel. Hinchley Wood Secondary School and St Christopher's Church are further along Claygate Lane. Overall, there is a pleasant modest height, somewhat spacious, suburban character to this area and the open green nature of the traffic island makes a positive contribution to this.
7. The monopole is proposed close to other utilitarian paraphernalia and its detailed design and colour would be appropriately functional. The proposal is reasonable in these respects. However, the height and bulk of the monopole is greater than any of the existing equipment and trees on this piece of land. Whilst it is lower in height than a previously withdrawn application, nevertheless the proposed mast is discordant in these regards and highly conspicuous. Consequently, it is harmful to the relatively open, modest height suburban character in these respects.
8. The proposed development is needed to provide new 5G coverage for this operator in order to improve service in Manor Road North, Hinchley Wood. A 5G cell has a typical radius of 50m. The submitted plan of the intended cell area shows the requirement for a new cell being centred around the railway crossing between Priors Wood/Fernwood Place and Wessex Close. The '5G Roll Out Planning Pre-Application Enquiry Site Detail Sheet' identifies that there are no suitable sites within this area. Although this relates to a 20m monopole, given the similarities with the current proposal, this information is nevertheless relevant.
9. The search area has therefore been expanded to an area 500m North East of the best location from a coverage perspective. Other sites are identified within a 100m search area including the appeal site. One of these (D3) is similarly constrained in terms of its character and proximity to residential properties, therefore whilst this may be an alternative, the effects would be likely to be comparable. Consequently, there are no other more suitable sites in this search area. Furthermore, taking into account the constraints of the railway line, the

school, and the fact that this area is mainly residential with limited space on non-private land, the likelihood of more suitable sites being reasonably available is low.

10. The monopole is relatively slender, and the cabinets are low level and located back from junctions and close to other street furniture. I am not persuaded that the installation would involve significant levels of traffic for its maintenance. I have also considered the advice from Surrey County Council Highways. Taking all the above into account the proposed development would not result in unacceptable harm to highway safety.
11. Although I identify harm with regard to the effect of the proposed development on the character and appearance of the area, I nevertheless find that the site proposed is the most suitable to provide the service required. Taking into account the acceptance of telecommunications equipment by the GPDO this is a strong factor in favour of allowing the appeal. Consequently, this outweighs the visual harm in this case.

Other Matters

12. Concerns have been raised about potential effects on health. 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.

Conditions

13. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and 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.

Conclusions

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

H Miles

INSPECTOR