The Planning Inspectorate

Appeal Decision

Site visit made on 1 March 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st March 2022

Appeal Ref: APP/B1930/W/21/3280946
Shenley Lane, Napsbury, London Colney, St Albans AL2 1DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
- The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of St Albans City Council.
- The application Ref 5/21/1539, dated 15 May 2021, was refused by notice dated 13 July 2021.
- The development proposed is described as '20.0m Phase 8 Monopole C/W wraproud cabinet at base and associated ancillary works.'

Decision

1. The appeal is allowed and prior approval is granted for a 20.0m Phase 8 Monopole C/W wraproud Cabinet at base and associated ancillary works, at Shenley Lane, Napsbury, St Albans AL2 1DH, in accordance with the terms of the application, Ref 5/21/1539, dated 15 May 2021 and the plans – 002 Site Location Plan; 100 Existing Site Plan; 150 Existing Elevation A; 210 Proposed Site Plan; 211 Vis Splay Plan; 260 Proposed Elevation; 303 Proposed Antenna Schedule & Line Configuration; 305 Equipment Schedule & Support Structure Details – submitted with it.

Procedural Matter

2. The provisions under Article 3(1) and Schedule 2, Part 16, Class A of the GPDO requires 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, having regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to the matters of siting and appearance.

Main Issue

3. Having regard to the above, and Council's reason for refusal, the main issue in this case is the effect of the siting of the proposal on visibility for drivers and the consequences of this for highway safety.

Reasons

4. The proposal seeks to install a 20 metre monopole with a wraparound cabinet at the base and three further equipment cabinets within the grass verge next to the junction of Shenley Lane and the A414 North Orbital Road. The equipment would stand in a line some 2.6 metres in from the edge of the

Shenley Lane carriageway. The Council's concern, based on the comments of Hertfordshire County Council (HCC) as the local highway authority, is that the cabinets, which would stand up to 1.75 meters high and 750mm deep, would obstruct visibility for drivers and pose a risk to highway safety as a result.

5. The A414 is classed as a primary distributor road and Shenley Lane as a secondary distributor road with a speed limit of 60mph at the appeal site. HCC refers to standards set out in the Roads in Hertfordshire: Highway Design Guide (HDG) requiring visibility of 215 metres and a setback of 4.5 metres for such roads. HCC's comments do not specify the exact direction of travel of drivers whose visibility it considers would be hampered by the proposed cabinets, but from my observations, it is clear that the visibility in question is for drivers entering Shenley Lane from the A414 and looking right at the priority junction.

6. The junction is such that drivers leaving the A414 fork off and turn left before stopping at the priority junction before entering Shenley Lane itself. The tightness of the left turn from the A414 means drivers would be travelling at low speeds when approaching the junction. The cabinets would be relatively modest in overall size and would be arranged in a line to reduce their overall spread. The grass verge would otherwise remain mostly open. Given this, I saw on site that drivers coming from the A414 would only be obstructed by the proposed cabinets momentarily as they approach the priority junction and are looking right to anticipate oncoming traffic.

7. However, drivers would then be required to stop at the junction itself, by which time they would have passed the cabinets and would have clear visibility for some distance along Shenley Lane, where oncoming traffic would be in full view, particularly as the road rises uphill and curves slightly to the south, away from any potential obstruction from the cabinets. This visibility splay is illustrated on the appellant's plans and shows the distance and setback requirements of the HDG would be met.

8. Moreover, cars queuing behind, even if their visibility is momentarily obscured by the cabinets, would in turn reach the head of the junction and would then have clear visibility of oncoming traffic from the right before proceeding. Elsewhere, drivers entering the A414 from either direction on Shenley Lane would not be obstructed by the proposed cabinets, nor would the cabinets obstruct through traffic on Shenley Lane from seeing waiting traffic at the junction.

9. For these reasons, I find the siting of the proposed equipment would not obstruct visibility for drivers and would not pose a demonstrable danger to highway safety. So far as it is relevant to the appeal as a material consideration, there would be no conflict with Saved Policy 34 of the St Albans District Local Plan Review 1994 which seeks to ensure development affecting an access onto the highway provides adequate visibility. Nor would there be conflict with the Framework which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

10. The Council did not oppose the siting or appearance of the monopole and cabinets in terms of their visual impact. The site is located adjacent to major

roads, within an environment characterised by tall verge trees and hedges and various highway infrastructure, including tall street lights and signage, and away from residential dwellings and other buildings. In this context, the slender design of the monopole would reflect nearby lighting poles, and the functional appearance of the cabinets would not appear out of place. Therefore, I agree that the siting and appearance of the proposal would be acceptable in this respect.

11. The appellant has set out details of the site selection process, in line with the requirements of the Framework, with others being discounted due to insufficient space, property or highways issues. However, as I have found the proposal acceptable in terms of its siting an appearance, it is not necessary to consider whether other potential sites exist for the development. I am also cognisant of the fact that the Framework makes it clear that in determining applications, the need for an electronic communications system should not be questioned.

12. Similarly, the Framework states that local planning authorities should not set health safeguards different from the International Commission[1] guidelines for public exposure. The appellant has confirmed that the proposal would meet the relevant guidelines in this case.

Conditions

13. The GPDO does not provide any specific authority to impose conditions when granting prior approval beyond the deemed conditions for development by electronic communications code operators set out in the GPDO.

Conclusion

14. For the reasons set out, I conclude that the proposal is acceptable in terms of its siting and appearance, and that prior approval should be given. Therefore, the appeal is allowed.

K Savage

INSPECTOR

[1] International Commission on non-ionising radiation protection (ICNIRP)