



Appeal Decision

Site visit made on 23 March 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2022

Appeal Ref: APP/B0230/W/21/3281358

Legrave High Street, Lewsey Farm, Luton LU4 0PR

- 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 Hutchison UK Ltd against the decision of Luton Borough Council.
 - The application Ref 21/00673/TEL, dated 2 May 2021, was refused by notice dated 2 July 2021.
 - The development proposed is 18m Phase 8 monopole C/W wrapround cabinet at base and associated ancillary works.
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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 an 18 metre high Phase 8 monopole C/W wrapround cabinet at base and associated ancillary works at Legrave High Street, Lewsey Farm, Luton LU4 0PR in accordance with the terms of the application Ref 21/00673/TEL, dated 21 May 2021, and the plans submitted with it including 002 Site Location Plan; 100 Existing Site Plan; 150 Existing Elevation A; 210 Proposed H3G Site Plan; 260 Proposed H3G Elevation; 302 Proposed H3G Antenna Schedule and Line Configuration and 305 Equipment Schedule and Support Structure Details.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), 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 principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

5. The appeal site is a grass verge on Leagrave High Street close to the junction with Hereford Road. Leagrave High Street is a wide tree lined road with generous grass verges and wide pavements creating a spacious environment. It is a suburban location with built up surroundings including residential, education and community uses and vertical structures such as lighting columns are notable features along the road.
6. The proposed development would be confined to a small area of the grass verge. In my view, it would not introduce significant street clutter to the area maintaining the sense of spaciousness that exists.
7. The proposed mast would be substantially taller than surrounding buildings so that the upper part of the mast would protrude above trees and streetlighting and would stand out in the skyline. However, telecommunication installations, such as the one proposed, are common features in urban environments given the requirement for high quality communications and that advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. In the context of the surrounding area, I find that the proposed development would integrate into the area and would be compatible with its surroundings.
8. I conclude that the siting and appearance of the proposed development would not adversely affect the character and appearance of the area.

Other Matters

9. The Officer's report makes reference to concerns regarding vehicle visibility at the road junction. The road junction is wide and largely free from obstruction and Leagrave High Street is relatively straight either side of the junction allowing visibility for drivers. As such, I am satisfied that the siting of the mast and associated cabinets would not unduly affect visibility along the highway.

Conditions

10. Any planning permission granted for the development 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, it 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.
11. Based on the information before me it is not necessary to impose conditions beyond those specified in the GPDO.

Conclusion

12. For the reasons set out above the appeal is allowed and prior approval is granted.

B Thandi

INSPECTOR