



Appeal Decision

Site visit made on 18 May 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2022

Appeal Ref: APP/H1840/W/21/3282704

Area of Grass Verge Defford Road, Pershore, Wychavon, Worcestershire, WR10 1QP

- 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 CK Hutchison Networks (UK) Ltd against the decision of Wychavon District Council.
 - The application Ref 21/01361/TC, dated 26 May 2021, was refused by notice dated 22 July 2021. The development proposed is 5G telecoms installation: 18m high 'slim line' Phase 8 H3G street pole c/w wrap around cabinet and 3no. cabinets with ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For the purposes of my Decision, I have taken the full site address from the supplementary information submitted with the application.
3. The provisions of the 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. Also, I have only had regard to the development plan, related guidance and the National Planning Policy Framework ('the Framework') insofar as they are material to matters of siting and appearance.
4. The submitted drawings at appeal have been amended by removing transmission dishes that were originally proposed along the top part of the monopole. As this amendment reduces the extent of the development proposed and does not alter the nature of the proposal, I have therefore accepted the amended drawings in determining the appeal and I do not consider that the interests of any party have been prejudiced by my having done so.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area and, in the event that any harm is identified, whether that harm would be outweighed by the need to site the installation in the location proposed and any benefits associated with the proposal.

Reasons

6. The appeal site is part of a grass verge along Defford Road at the side of the entrance to an estate road (Little Pennyrope) which serves a number of dwellings.
7. The surrounding area to the north of the site is predominantly residential in character, to the south of the site, with the exception of a few dwellings, this is largely countryside.
8. Due to the site's location adjacent to the highway and footpath, and proximity to the junction, the appeal site is prominent in views from the public realm.
9. Most notably, the appeal site is free of any development and comprises mown grass set against the backdrop of the landscaped boundary of the adjacent property (1 Little Pennyrope) and beyond this is the gable wall of this property, which incorporates some brick detailing and a chimney feature. Therefore, the landscaped nature of the site and the detailing of the nearby dwelling positively contribute to the appearance of the appeal site.
10. Furthermore, a similar grass verge is located on the other side of the entrance to Little Pennyrope. Together, these grass verges provide an open and verdant entrance to the estate road and also complement the grass verges, landscaping and countryside on the opposite side of the highway. Notwithstanding that the site is not located in a designated area, for the above reasons these grass verges provide green spaces which enhance the character and appearance of the area.
11. The nearby area incorporates limited, small-scale street furniture, such as street signs. There are also few examples of vertical structures close by such as lamp posts and telegraph poles, which are slender in form and not particularly tall relative to the nearby buildings. Therefore, these elements are not visually obtrusive and are settled within the streetscene and do not detract from the verdant and open character and appearance of the site and area.
12. The proposed 18m monopole is to be sited adjacent to the highway and would incorporate a wrap-around cabinet at its base, along with further separate cabinets adjacent to this. The proposal is part of an integral requirement to expand Fifth Generation (5G) telecommunications network coverage for improving service within the residential area between Defford Road and Abbots Road, Worcestershire.
13. Nonetheless, in the abovementioned context, the proposed 18m monopole would not visually integrate with the nearby street lighting due to its appreciably greater height and column width and more bulky and visibly distinct headframe design in relation to the supporting column. It would also rise appreciably above the height of the dwelling behind it, appearing unduly visually prominent within the skyline.
14. Therefore, its siting and appearance would introduce a stark and incongruous feature within the street scene, which would unacceptably detract from the open and verdant setting of this area.
15. The position of the monopole and cabinets in proximity of the roadside would further contribute to the visual dominance of the proposal as perceived by

pedestrians using the footpath passing drivers, including those waiting at the junction and occupiers of the dwelling to the south of the site.

16. The appellant advises that the equipment could be finished in a colour of the Council's choosing. However, I am not persuaded that the visual impact arising from the design, height and siting of the structure could be mitigated by the use of a particular colour finish.
17. For the above reasons, the proposal would result in significant unacceptable harm to the character and appearance of the area.
18. I have had regard to the South Worcestershire Development Plan (SWDP), insofar as this is relevant considerations within the terms of the GPDO. Accordingly, the proposal would conflict with the aims of Policy SWDP21 of the SWDP in that, amongst other things, all development will need to integrate effectively with its surroundings, in terms of form and function, and reinforce local distinctiveness. The proposal would also be contrary to the aims of SWDP25 of the SWDP in terms of safeguarding green spaces.

Other considerations

19. Support for the delivery of advanced, high quality and reliable communications networks is afforded by the Framework, by other government documents and the development plan, and such networks bring significant social and economic benefits. Furthermore, the proposal would support new 5G coverage to a predominantly residential area.
20. The appellant also advises that the initial requirements was for 20m monopole which has been reduced. Also, as already stated the appeal scheme has been amended. Notwithstanding these factors, I have still found that the proposal would be harmful to the character and appearance of the area.
21. Paragraph 117 of the Framework outlines that for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure should be submitted.
22. According to the appellant's submissions a sequential approach to site selection was undertaken, which included an initial desktop survey followed by a physical inspection of the area. The appellant advises that during this process, no mast/site sharing opportunities or existing buildings/structures were identified. However, Figure 1 of the appellant's appeal statement shows the location of the intended cell/target area (white marker) relative to other sites within the wider locality. Nonetheless, from the information available it is unclear why some of those other sites in proximity of the intended cell/target area were not available for mast/site sharing.
23. Furthermore, although 4 discounted sites were considered, 2 of these are located considerably outside the intended target/search area. Taking account of the appellant's contention that to achieve the operational requirements of 5G, the selected site should be within or as close to the intended target/search area as possible, and that only 4 options have been considered overall, the inclusion of these 2 sites outside the target/search area reduces the likelihood that the selection process has considered a sufficient range of potentially available alternative options. Furthermore, given that the proposed site is located beyond the intended target/search area, suggests that a greater range of potentially available alternative sites could also have been considered.

24. For the above reasons, I am not persuaded that the site selection process was sufficiently robust and that a less harmful location could not be found.
25. Even if I were to accept the appellant's evidence on alternative sites, this does not outweigh the significant harm arising from the proposal.
26. The fact that the proposal would meet the ICNIRP (International Commission on Non-Ionizing Radiation Protection) guidelines for public exposure is a requirement of prior approval and does not influence my findings on the main issue.

Planning balance and conclusion

27. I acknowledge the potential economic and social benefits of the proposal detailed by the appellants, and the support given by the Framework in Paragraph 114 to advanced, high quality and reliable communications infrastructure, including 5G networks, in supporting economic growth and social well-being.
28. However, in this case, for the reasons given above, I do not consider that the public benefits of the installation in terms of the enhancement of the telecommunications network, its contribution to economic growth and the locational needs of the appellants outweigh the significant harm that I have found arising from the proposal due to its siting and appearance. I, therefore, conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR