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## Appeal Decision

Site visit made on 25 July 2022

**by Mr C J A Parker BA(Hons) PGCert MA MRTPI MCMI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 9<sup>th</sup> August 2022**

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**Appeal Ref: APP/R0335/W/21/3286713**

**Lovel Road, Plaistow Green, Winkfield, Cranbourne SL4 2HA**

- 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 Bracknell Forest
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  - Borough Council.
  - The application Ref 21/00804/RTD, dated 7 August 2021, was refused by notice dated 5 October 2021.
  - The development proposed is described as '*proposed 15.0m 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 proposed 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works at Lovel Road, Plaistow Green, Winkfield, Cranbourne SL4 2HA in accordance with the terms of the application Ref 21/00804/RTD dated 7 August 2021.

### Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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.

### Planning Policy

3. Part 16 of the Order 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 EN20 and SC4 of the *Bracknell Forest Borough Local Plan 2002* and CS1 and CS7 of the *Core Strategy Development Plan Document 2008* are material considerations as they relate to issues of siting and appearance.

Similarly, the *National Planning Policy Framework* is also a material consideration and this includes sections on supporting high quality communications and the conservation of designated heritage assets.

## **Main Issues**

5. The main issues are the effect of the siting and appearance of the proposed installation on the locality; including on the setting of the Grade ii\* Registered Park and Garden at Ascot Place, Winkfield, 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 site is an area of grass verge located to the east of Pigeonhouse Lane and to the south of Lovel Road. The grass verge adjoins the boundary of a Grade ii\* Registered Park and Garden (herein RPG) at Ascot Place. To the north and west of the site, beyond the highway of Pigeonhouse Lane are the grounds to the Royal Berkshire Polo Club. Within the RPG are a number of listed buildings
7. The Officer's report details that the '*Grade II\* Ascot Place Registered Park and Garden is a late C18 country house surrounded by contemporary landscape park and pleasure grounds, and C19/early C20 garden, with outstanding mid-to-late C18 grotto overlooking the house and lake. The 110ha site is enclosed largely by narrow belts of trees, bounded to the north by Pigeonhouse Lane, to the south by Forest Road, and on the other two sides by agricultural land. The park encircles the house and gardens, being laid largely to pasture, with single trees, clumps, and copses, and enclosed by The Belt...*' The significance of the RPG derives from the ability to experience a planned landscape park and pleasure grounds with C18th country house and a Grade I listed mid-to-late 18<sup>th</sup> Century Grotto.
8. The appeal proposals are for a monopole tower, roughly 15m tall above ground level, with a wraparound cabinet and two other cabinets at ground level. The cabinets would extend to approximately six metres in length in total. The site is located at the corner of Lovel Road at the junction with North Street, set back approximately 6.8m from the former and around 10.7m from the latter road edge. The existing streetlight height is approximately 7m above ground level and the existing trees behind the location are approximately 18m in height.
9. As shown on submitted drawing BRF16981\_M003 Issue C, the proposal would be shorter than some of the trees located to the rear of the site. These are a mixture of coniferous and deciduous trees, and therefore leaf coverage would alter over the year. However, telecommunication structures are not uncommon features at or near to road junctions in rural areas and the proposal, whilst being visible, would not necessarily be highly noticeable as it would be seen in the context of similar structures such as street lighting and also the taller trees to the rear of the site. Due to its siting, height and bulk, it would not appear as an intrusive feature that adversely compromises the street scene.
10. The appeal site is not located within a conservation area. The Appellant considers that the distance between the RPG and appeal site means that there

would be no '*infringement upon its character*'. There is, however, little detailed assessment as to the significance of the nearby heritage assets made by the Appellant.

11. The local planning authority considers that the proposal would result in no greater than less than substantial harm to the significance of the nearby heritage assets. Given the proposal would introduce a tall modern structure that would be visible from within the grounds of an 18<sup>th</sup> Century RPG and is associated listed buildings, albeit to varying degrees depending on leaf coverage, the proposal would detrimentally affect the experience of users of the RPG. Accordingly, exercising my professional judgement, I concur with the Council's view that the proposal would result in harm to significance of the RPG, and that this would be less than substantial harm as detailed under Paragraph 202 of the Framework.
12. Less than substantial harm needs to be weighed against the public benefits arising. In this case the proposal would increase the capacity and coverage of the mobile communications network in this locality. This would accord with the aims of national policy which recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.
13. Furthermore, the Appellant indicates that they have considered alternative sites for the proposal but these were not suitable. There is little evidence to the contrary from the Council that the need for the mast in this location to ensure reliable coverage of the mobile communications network is not present. I therefore find that the public benefits arising from the proposal outweigh the less than substantial harm in this case.
14. Accordingly, I find that the proposal would not result in harmful effect on the locality with respect to siting and appearance. The proposal would therefore accord with the local and national policies set out earlier in this decision.

### **Conditions**

15. The Order 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.

### **Conclusion**

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

*C Parker*

INSPECTOR