



Appeal Decision

Site visit made on 1 August 2022

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9th August 2022

Appeal Ref: APP/M3835/W/22/3294691

Boundary Road, Grand Avenue, West Worthing, Worthing BN11 5BS

- 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 Worthing Borough Council.
 - The application Ref AWDM/1530/21, dated 16 May 2021, was refused by notice dated 15 September 2021.
 - The development proposed is a 15m phase 8 monopole c/w wraparound 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) (the 'Order') for a 15m phase 8 monopole combined with a wraparound cabinet at base and associated ancillary works at Boundary Road, Grand Avenue, West Worthing, Worthing BN11 5BS in accordance with the terms of the application Ref AWDM/1503/21, dated 16 May 2021, and the plans submitted with it.

Preliminary Matters

2. The provisions of the Order require the local planning authority to assess the proposed development based solely on its siting and appearance, taking into account any representations received¹. My determination of this appeal has been made on the same basis.
3. The principle of development is established by the Order. The provisions of the Order do not require regard to be had to the development plan. I have therefore only had regard to the policies of the development plan and the National Planning Policy Framework (the 'Framework') in so far as they are material considerations relevant to matters of siting and appearance.

¹ Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4)

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area, and if harm would be caused whether there are any preferable sites or designs available.

Reasons

5. The site occupies a highway verge on Grand Avenue, close to its junction with Boundary Road and Pevensy Road. Grand Avenue, as the name suggests, is a wide boulevard with footpaths separated from the carriageway by grass verges and a row of street trees on either side. Apartment buildings, although large in size, are set well back from the avenue giving it a spacious and verdant feel. Generously sized, 2-storey houses continue the avenue to the south and along Boundary Road and Pevensy Road to the east and west respectively.
6. Because of the open vistas, the mast and antennae array would be visible in views along the roads that intersect at this point. Some screening would be provided in mid to long distance views by the trees along Grand Avenue and on immediately adjoining land. However, the mast at 15m high would project above the canopies of these trees. It would therefore remain visible, even when the trees were in full leaf. There are regularly spaced lighting columns along all the roads, but these differ from the proposed mast by being approximately 10m in height and considerably more slender in profile.
7. The proposed equipment cabinets would be relatively modest in size and similar to other such cabinets used by a variety of infrastructure providers to house electronic equipment. They are commonly seen on highway verges, including examples south of the junction, and would be unobjectionable. However, the proposed mast and antenna array, because of its height and girth, would be prominent and would cause a degree of harm to the character and appearance of the area. It is therefore necessary to consider whether there are any alternative, preferable sites that the antenna could be located.
8. The siting of the mast is constrained by the need to provide coverage for the target area, and also by the technical limitations of the cellular network of which it would form part. The appellant has provided information on the location of existing base stations, which shows that the cellular network is already a dense one, giving only limited scope for siting of new antennae.
9. I have not been made aware of any existing masts in the immediate area that could be shared. Building mounted options are also limited given the predominant domestic scale of buildings in the area. The apartment buildings along Grand Avenue are taller but are still residential in nature, and even then are lower than the height of the proposed antennae. So far as alternative sites for a new mast are concerned, the appellant has provided a long and a shortlist of sites that were considered but rejected in favour of the proposed location. These sites are mainly located on highway verges, all within established residential areas, and would therefore give rise to similar visual impacts to that of the proposed site.
10. No alternative sites for the antennae have been suggested by the Council or interested parties, nor has any party indicated that any of the alternative sites investigated by the appellant would be preferable to that proposed. No suggestions for an alternative and less prominent design have been proposed.

The height of the mast has already been reduced from that in a previous application.

11. Having regard to all these matters, none of the alternative options or locations that have been drawn to my attention are obviously more preferable to that proposed by the appellant. I therefore conclude that the proposed installation would be no more intrusive than would be the case elsewhere in terms of its siting and appearance, within the technical limitations of the existing network.

Other Matters

12. Concern has been raised in representations about the potential effect of microwave radiation on human health. Paragraph 118 of the Framework says that local planning authorities, and by implication other decision makers, should not seek to set health safeguards different from the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for public exposure. The appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by ICNIRP. Having regard to this national policy, and that the application is one for prior approval where only siting and appearance are for consideration, the potential effect on health is not a determining issue in this case.

Planning Balance

13. The Framework recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and supports the expansion of electronic communications networks, including the introduction of 5G.
14. Policy 16 of the Worthing Core Strategy 2011 concerns the built environment and design. While providing a general approach to design, it is not specific to telecoms infrastructure and I do not consider it adds anything extra to the assessment of character and appearance that I have already undertaken.
15. In this case, while I have identified that a degree of visual harm would be caused by the proposed installation in the context of the street scene along Grand Avenue and the two intersecting roads, I have also determined that the location is no more intrusive than any of the reasonable alternatives that are before me. I conclude that the economic and social benefits accruing from the provision of an advanced, high quality and reliable communications network outweigh the visual harm that may be caused. The proposal is therefore acceptable.

Conditions

16. Planning permission granted for development under Article 3(1) and Schedule 2, Part 16, Class A of the Order is subject to conditions set out in paragraphs A.2 and A.3. These specify that the development must begin not later than the expiration of 5 years beginning with the date on which the approval was given; be carried out in accordance with the details approved unless agreed otherwise by the local planning authority; and be removed as soon as reasonably practicable after it is no longer required and the land restored to its condition before the development took place.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

Guy Davies

INSPECTOR