



Appeal Decision

Site visit made on 30 August 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th September 2022

Appeal Ref: APP/J1915/W/21/3286727

Wadesmill Road, Kings Hill, Ware SG12 0RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 Hutchinson Networks (UK) Ltd against the decision of East Hertfordshire District Council.
 - The application Ref: 3/21/2145/TEL, dated 6 August 2021, was refused by notice dated 8 October 2021.
 - The development proposed is an 18.0m 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 Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of a proposed telecommunications installation: an 18.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works at Wadesmill Road, Kings Hill, Ware SG12 0RD in accordance with the terms of application Ref: 3/21/2145/TEL, dated 6 August 2021, and the plans submitted with it.

Procedural Matters

2. The application was submitted pursuant to Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The principle of development is established by the GPDO. The development is, however, subject to the developer firstly applying to the local planning authority as to whether prior approval will be required for the siting and appearance of the development.
3. I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are material considerations relevant to matters of siting and appearance.

Main Issue

4. The main issue relevant to this appeal is the effect of the development upon the character and appearance of the surrounding area.

Reasons

5. The appeal site consists of an open area adjacent to the highway. The surrounding area contains several mature trees. The topography of the vicinity

is varied in that the land slopes upwards from both sides of the road. The wider area contains a large number of residential dwellings constructed to a variety of scales and designs. These give the area a suburban character.

6. The proposed development would result in an increase in the overall level of built form. However, the increase would be kept to a minimum due to the relatively narrow width of the monopole. In addition, the proposed development's equipment cabinets would be relatively small. Therefore, the design of this element of the development would not lead to an erosion of the area's character.
7. In addition, the proposed monopole would be viewed alongside other street furniture in the vicinity. The existing street furniture in the surrounding area, such as lamp posts, are smaller than the appeal proposal would be. However, the presence of street furniture occurs on a relatively frequent basis and contributes to the area's suburban character. This means that the proposal's siting would not erode the area's character in this regard.
8. Furthermore, the appeal site would not be prominently located. There are several mature trees in the wider area which would provide a notable amount of screening. In addition, there are grass banks on either side of the road. This means that the proposed development would not be prominent when viewed from significant portions of Wadesmill Road, or the residential accommodation in the surrounding area.
9. The proposed development would be viewed against a backdrop that includes some dwellings that are constructed to different designs. This means that the proposal would be viewed alongside a more developed context. Although some of these views are of a more fleeting nature, due to distance and topography, they contribute to a more urban character. The development would not be incongruous in this context.
10. In addition, Wadesmill Road features several gentle curves. This means that there would be limited direct views of the appeal site and the proposed installation. This further reduces the prominence of the appeal proposals. This is because the effects would be limited as views of the development from further away would be diminished.
11. In consequence, the proposed development would not result in a significant change to the overall suburban character of the appeal site's vicinity.
12. The Council have suggested that the proposed development could be more suitably located in other locations. These locations have been assessed by the appellant. Whilst I have had regard to the Council's suggestion, I am conscious that if the development were to proceed in other locations, the development is likely to result in the removal of some of a tree canopy, or a reduction in the overall width of the pavement.
13. In consequence, such sites would lead to an adverse effect upon the character and appearance of the surrounding area given that the presence of mature trees is an important characteristic in defining the relevant area's more suburban character. Furthermore, the reduction in the size of the pavements is likely to deter residents from travelling to other locations on foot. These are characteristics that would not be associated with the appeal site and its surroundings. Therefore, for the preceding reasons, I do not believe that there

are suitable alternative sites that might accommodate this development. Accordingly, this suggestion does not allow me to disregard my previous findings.

14. The development, in this regard, would be in conformity with Policies ED3 and DES4 of the East Herts District Plan (2018). Amongst other matters, these require that telecommunications equipment should be sympathetically and appropriately located; and that developments reflect and promote local distinctiveness.
15. I therefore conclude that the proposed development would not have an adverse effect on the character and appearance of the surrounding area. Therefore, the proposed siting and appearance of the development would be in conformity with the Framework in this regard.

Other Matters

16. The appeal documentation contains an International Commission on Non-Ionizing Radiation Protection declaration. Therefore, in line with the requirements of the Framework, I have no reason to believe that the proposed development would lead to an adverse effect upon the health of individuals.
17. The Council has suggested conditions to be imposed in the event that I am minded to allow the appeal. However, the GPDO provides the timescales for the implementation of the development and requires that developments be carried out in accordance with the submitted details. Therefore, such conditions are not necessary.

Conclusion

18. The development would not have an adverse effect upon the character and appearance of the surrounding area arising from its siting and design. Therefore, I conclude that the appeal should succeed, and prior approval be given.

Benjamin Clarke

INSPECTOR