



Appeal Decision

Site visit made on 13 September 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2022

Appeal Ref: APP/R0335/W/22/3296424

Terrace Road North, Binfield, Bracknell RG42 5JB

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of Bracknell Forest Borough Council.
 - The application Ref 21/00862/RTD, dated 27 August 2021, was refused by notice dated 12 January 2022.
 - The development proposed is Proposed 15.0m Phase 8 Monopole C/W wraparound cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) 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. There is no statutory requirement to have regard to the development plan in the case of prior approvals. However, the development plan does contain material that is relevant to the planning judgements to be made in respect of the matter before me. My determination of this appeal has been made on this basis.

Main Issue

3. The main issue raised by this appeal is the effect on the character and appearance of the area, having particular regard to the setting of the Wicks Green Conservation Area and the setting of the Grade II listed buildings, The Terrace and Binfield House 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

4. The appeal site is a grass verge, beside the pavement which runs along Terrace Road North. The site is in a predominately residential area, typically of 2 storey dwellings, albeit the appeal site is situated adjacent to Pelham Lodge which is a detached bungalow. There is a commercial building directly opposite the site, although it appears to have been designed to look like a small residential block

of flats to tie in with the residential area within which it sits. An access road runs to the north of the site. This provides vehicular access to Binfield Doctors Surgery, as well as pedestrian access through to the more recent housing estate of Hall Garden to the west, as well as leading to Binfield House, a Grade II listed building. The Terrace, also a Grade II listed building, is situated on the opposite side of Terrace Road North, approximately 50 metres away.

5. The boundary to the Wicks Green Conservation Area (CA) lies approximately 100 metres to the west. The CA appraisal for Wicks Green states that the special interest of the CA derives from its rural character, including the lanes and streets being lined with hedges and trees. This rural character of the CA contributes to its significance. Whilst the appeal site is itself outside of the CA, with the density of buildings greater than within the CA, the mature trees along the highway, vegetation in front gardens and the more traditional Victorian style of streetlights gives the existing streetscene of Terrace Road North a semi-rural character, easing the transition from the adjacent CA to the more built-up centre of Binfield.
6. Whilst there are vertical elements in the streetscene, in the form of the streetlights and the existing mature trees against which it would be sited, the monopole would be significantly taller, bulkier and more prominent. As demonstrated by the proposed elevation¹, the proposed 15 metre monopole would be 3 times the height of the existing streetlights and double the height of the existing trees. The streetlights and mature trees are markedly different in appearance and character to the proposed monopole and cannot be used as a relevant comparison to the proposal. The proposal would consequently appear visually intrusive and incongruous in the semi-rural streetscene, harming the character and appearance of the area.
7. I note the use of the 'slimline street pole design' and the suggestion to colour the proposed equipment. However, given that the height of the monopole would be appreciably higher than the streetlights and trees, the slimline design would do little to limit the visual impact of the proposal. Furthermore, whilst a darker colour might assist in minimising the appearance of the equipment against the existing trees, any colouring would not minimise the impact of the proposal once the monopole extends above the height of the trees.
8. Whilst the building directly opposite the appeal site is in commercial use, the site is in a predominately residential area with numerous dwellings nearby, with habitable rooms on their first floors, from which the pole would be visible. Due to the height, siting and prominence of the proposal, the existing commercial use would do little to adequately screen any views, heightening its incongruity in the area.
9. Paragraph 206 of the National Planning Policy Framework 2021 (the Framework) states that local planning authorities should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. The Glossary to the Framework defines the setting of a heritage asset as the surroundings in which it is experienced.

¹ Drawing title 260 Proposed Elevation

10. Due to its height, glimpsed views of the proposed monopole would be possible from the edge of the CA. However, as the proposal would be approximately 100 metres away from the nearest point of the CA and would be seen against the more built up, semi-rural character of Terrace Road North, the proposal would preserve the setting of the CA, and thus its significance.
11. In regard to the Grade II listed buildings, the significance of The Terrace derives from the age of the former hall house, its timber frame construction and its rectangular plan form, amongst others. As set out by the appellant, the setting of The Terrace has been altered as the original hall house would have been set in a more rural landscape. However, it is now influenced by the surrounding residential properties. Nevertheless, the semi-rural character of Terrace Road North within which it is experienced helps to retain part of the rural character within which it would have originally been set.
12. The Terrace is set back from Terrace Road North and the hedgerow to the front boundary of The Terrace would provide some screening between the proposal and the designated heritage asset. The intervening neighbouring building would also help to reduce intervisibility. However, given the height and location of the proposal, there would still be an element of intervisibility between the proposal and The Terrace. The incongruity of the monopole, and the harm to the character and appearance of the area that I have identified above, would consequently harm the semi-rural setting that The Terrace currently sits within, and consequently its significance.
13. The Grade II listed building of Binfield House is situated within the CA, and the rural character of the CA contributes positively to the setting of Binfield House. The house had associated kitchen garden walls which previously formed a garden nursery and now contains the recent housing development of Hall Garden. The Council have not provided evidence regarding the alleged harm to the setting of Binfield House, other than saying that the proposal would be within the setting of it. Whilst glimpsed views of the monopole may be possible from Binfield House, it is considered that due to the distance of the proposal and the recent housing development of Hall Garden that would be situated between Binfield House and the proposal, the setting within which Binfield House is now experienced would be preserved.
14. Therefore, in view of the above, whilst I have found that the proposal would preserve the setting of the CA and Binfield House, the proposal would fail to preserve the setting of The Terrace, a Grade II listed building. The harm to the significance of the listed building would be less than substantial. Paragraph 202 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.
15. I note the support in the Framework for high quality communications, and that advanced, high quality, reliable communications infrastructure is considered essential for economic growth and social well-being. I also note that policies and decisions should support the expansion of the communications network, and that the delivery of 5G infrastructure is specifically referenced.
16. The Council accept that the 10 alternative sites put forward by the appellant would be unsuitable. I have no reason to come to a different conclusion on the matter, albeit the appellant's reasoning behind the exclusion of the alternative sites is brief. However, the Council argue that the appellant has not properly

considered the wider area. The appellant has set out that the designated search area covers a densely packed residential area and that there is no scope to pull the mast outside of this area to provide the cell 5G coverage. Therefore, there is no evidence before me to demonstrate that a wider area of consideration is possible. The need for the installation in this location therefore weighs in favour of the appeal. Moreover, there is no basis to question the appellant's contention that the equipment is necessary to achieve the required standard of network coverage.

17. However, in finding harm to the significance of the Grade II listed building, this is something to which I have given considerable importance and weight to. The Framework also requires that great weight should be given to heritage assets' conservation. Therefore, whilst there would be public benefits arising from the proposal these would not be sufficient to outweigh the harm that the proposal would cause to the significance of the designated heritage asset. Furthermore, I have not been provided with any evidence that rules out a less intrusive design in this location.
18. I conclude that the development would harm the character and appearance of the area and would fail to preserve the setting of The Terrace, a Grade II listed building. This harm is not outweighed by the need for the installation to be sited as proposed and its social and economic benefits. Insofar as they are a material consideration, the proposal would conflict with Policies CS1 and CS7 of the Core Strategy Development Plan Document (adopted 2008) which, in combination, seek to ensure that development protects and enhances the character and quality of local landscapes and historic features of importance, as well as respecting local patterns of development and the historic environment. It would also be contrary to Saved Policies EN20 and SC4 of the Bracknell Forest Borough Local Plan (adopted 2002) which, in combination, states that development should be in sympathy with the appearance and character of the local environment and appropriate in scale, design and siting in relation to adjoining buildings, spaces and views and that telecommunications development should be sited so as to minimise its visual impact. It would also conflict with the Framework which seeks to facilitate the growth of new and existing telecommunications systems whilst keeping environmental impact to a minimum.

Other Matters

19. Concerns have been raised about potential effects on health, particularly the proposed monopole's proximity to residential properties and a nursery. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
20. A pre-application enquiry was submitted but no response was received from the Council. However, the Council claim that the pre-application enquiry was only submitted 4 days before the prior approval was submitted which gave

them little time to respond. Nevertheless, I have dealt with the appeal on its planning merits and found harm for the reasons set out above.

Conclusion

21. For the above reasons and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Laura Cuthbert

INSPECTOR