



Appeal Decision

Site visit made on 5 October 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2022

Appeal Ref: APP/R0335/W/22/3300275

New Forest Ride, Martins Heron, Winkfield, Bracknell RG12 9YU

- 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 EE Ltd against the decision of Bracknell Forest Borough Council.
 - The application Ref 21/01032/RTD, dated 29 October 2021, was refused by notice dated 25 February 2022.
 - The development proposed is the installation of 1No. 12.5m 'Phase 5' street pole, 2No. shrouded antennas, 2No. 0.3m dishes and 3No. ground-based equipment cabinets and ancillary development thereto.
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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 the installation of 1No. 12.5m 'Phase 5' street pole, 2No. shrouded antennas, 2No. 0.3m dishes and 3No. ground-based equipment cabinets and ancillary development thereto at New Forest Ride, Martins Heron, Winkfield, Bracknell RG12 9YU in accordance with the application Ref 21/01032/RTD, dated 29 October 2021, and the plans submitted with it including; -

002-Site Location Plan Rev D, 150-Proposed Site Plan Rev D, 250-Proposed Site Elevations A Rev D

Preliminary Matters

2. The provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) require the local planning authority, and therefore the Secretary of State, 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.
3. The Council has referred to several development plan policies. However, the principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO. I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) but only in so far as they are a material consideration that are relevant to matters of siting and appearance.
4. The initial application proposed a 20m high mast, which was subsequently amended to 12.5m. The Council accepted and validated the amended plans. The

Council did consult neighbouring properties following the revision, however, the consultation was limited to 15 days due to the time constraints of the prior approval process. In view of the reduced consultation, the Council have indicated that it has not been demonstrated that the design and siting of the proposed mast would be acceptable in the area.

5. I have had regard to the Council's position and appreciate that the requirements of Paragraph A.3(6)(d) of Part 16 of the GPDO requires public consultation in the form of a site notice to be erected for 21 days or by serving notice on any adjoining owner or occupier. However, a 21-day neighbour consultation was carried out on the initial proposal for 20m mast. Although there was a notable change to the scheme, it was to reduce the height of the mast. The neighbouring properties were given a further 15-day consultation period to provide comments on the reduced height and a consultation was carried out as part of the appeal process.
6. As such, I am of the satisfied that sufficient neighbour consultation has been carried out with respect to the revised scheme, and no party would be prejudiced by my assessing of this scheme for the proposed 12.5m Phase 5' street pole, 2No. shrouded antennas, 2No. 0.3m dishes and 3No. ground-based equipment cabinets and ancillary development. The description of the development has also been taken from the Council's Decision Notice to reflect this.

Main Issues

7. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area.

Reasons

Siting and Appearance

8. The area is suburban and predominately residential in character. At this section, New Forest Ride divides two modern residential estates, which are situated at a lower level and largely consist of two storey dwellings. In combination with the level difference, a banking with a mixture of low-lying bushes and taller mature trees form a green barrier to New Forest Ride. Trees also line the edge of the railway line to the north of the residential estates. Despite the close proximity to the railway line, there is a pleasant and verdant character and appearance to the residential area.
9. The appeal site is a section of the banking adjacent to New Forest Ride, near to a footway linking the road to the residential close of High Beech. The proposed development would be sited off the pavement in the area of green space to the left-hand side. Due to the road crossing over the railway line, the proposed telecommunications equipment would be elevated above the adjacent residential areas.
10. On New Forest Ride, near to the proposed development, the mast and associated equipment would be readily visible. However, from what I saw on site, the road was a well-used route, and the proposed development would be in the context of other vertical features close by, such as street lights, and mature trees lining the banking. Although it is taller and wider than the nearest street lights, such installations are an increasingly common and expected sight on highway verges along well used roads such as this. Furthermore, although functional in design, the antennas would be formed in a compact, neat design at the head of the

slimline mast. In light of the this, the proposed development would not appear out of place in this context.

11. Further, despite the elevated siting, when approaching from the north or south on New Forest Ride, the distance together with the slope of the road would limit the wider visual impact of the proposal. The trees either side of the road would also provide a significant amount of screening, and so the installation would not become obvious until near to the proposed development.
12. Due to the elevated position and siting of the mast it would be visible from the residential areas of High Beech and Buckhurst Hill. However, because of the height, slim design and screening by the trees, it would not be obtrusive or overbearing from these locations. From areas such as Bog Lane, Fawler Mead, Finstock Green and Wychwood Avenue, the proposed mast would not be a prominent feature. Due to the height of the mast, the level differences, the proximity of the banking and height of the trees, it would be largely obscured from this side of the road. The proposed finishing colour of green would also help to soften its impact and amalgamate it with the immediate surroundings.
13. Accordingly, having regard to its siting and appearance, the proposed development would not adversely affect the character and appearance of the area. Insofar as they are a material consideration, the proposal would also comply with Saved Policy SC4 and Policy EN20 of the Bracknell Forest Borough Local Plan 2002 (LP) and Policy CS7 of the Bracknell Forest Borough Core Strategy Development Plan 2008 (DP). Amongst other things, these policies seek to ensure that all development, including telecommunications equipment is high quality in design, and should respect the character and appearance of the area.

Other Matters

14. There have been several representations against the appeal proposal. The representations query whether there is a need for the mast and whether alternative sites have been considered thoroughly. Whilst I have sympathy with the concerns raised in local representations, as I have concluded that the proposed installation would not result in an unacceptable impact on the character and appearance of the area, then then it is unnecessary to consider the alternative sites that have been assessed.
15. Notwithstanding the above, the appellant has appropriately identified the need for the mast, and followed the sequential approach in identifying site options, advocated by the Framework. This installation will provide essential services for users of the adjacent railway line, residents and businesses within the immediate vicinity and the emergency services, including 4G. The relevant search area is very constrained due to the need to address deficiencies in the coverage along the adjacent railway line. Existing buildings and structures, along with sharing sites have been considered along with seven alternative locations. These have all been discounted for various reasons, including landowner covenants limiting telecommunication development, mast sharing not being feasible and for having a more adverse effect in terms of appearance, such as being taller, to secure coverage.
16. Other representations outline concerns regarding highway safety. Although I acknowledge that parking on New Forest Ride would be difficult, there are several areas to park safely within a walking distance of the mast. On the occasion that maintenance of the mast requires larger vehicles or equipment, this could be

undertaken safely by following general traffic management measures when carrying out maintenance to utility structures near to a highway. Furthermore, as the mast is not on the footway the proposal would not impede any pedestrians. Even in the situation that the mast is being maintained and the footway is impeded by equipment, there is a footway on the opposite side of the road that can be used.

17. I have had regard to the planning history when assessing the application. However, the previously refused masts¹ were considered in 2004 and 2005, when the national policy considerations for mobile telecommunication proposals would have been different. Furthermore, the refused mast in 2004 was notably taller, and the mast in 2005 was on the other side of the road and refused for issues of highway safety. As such, these proposals are not directly comparable, and I have considered this proposal on its own merits.
18. I note that there is a current planning application for a mast at Bog Lane Sewage Treatment Works². I do not have the full details of this application, but the representation indicates that the decision is pending. In light of this, there is no evidence before me that any permission has or will be granted for the proposed development. Furthermore, although a mast has been granted approval on Calfridus Way³, I have no evidence before me to suggest that this mast provides the same coverage or need to the proposal before me. As such, I can only attribute these matters limited weight in my consideration.
19. I note that the revised scheme no longer outlines the benefits associated with 5G or identifies that the mast could be shared. Although infrastructure that supports 5G and mast sharing is supported in the Framework, it is not essential for it to be considered acceptable. The appellant has followed the sequential approach, and the Framework supports the expansion of electronic communications networks in this manner. Furthermore, any increase in height or changes to the proposed development to provide 5G capabilities would be subject to further prior approval or full planning applications.
20. The appeal has been accompanied by a certificate confirming conformity to the public exposure guidelines of the International Commission on Non-Ionizing Radiation (ICNIRP). There is therefore no basis to consider health impacts arising from the siting of the development. Concerns have also been raised over whether a nearby nursery should have been consulted, the lack of a neighbour consultation carried out by the developer and the lack of response during the pre-application consultation. However, these are procedural matters that do not alter my findings in respect of the acceptability of the proposal.
21. I note that there is a legal covenant on the residential estates to limit development that would have an impact upon the character and appearance of the area. However, I have no substantive evidence before me to indicate that any covenant exists on the land subject of the appeal. In any event, prior approval or planning permission does not override any legal covenants, or any other required consent that would be needed to erect the development.

¹ Planning reference 04/00681/FUL (subsequent appeal ref APP/R0335/A/04/1163433) and 05/00213/RTD

² Planning reference 20/01027/FUL

³ Planning reference 21/00545/RTD

Conditions

22. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in paragraphs A.3(9), A.3(11) and A.2(2). This specifies that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin no later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must 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

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

M. P. Howell

INSPECTOR