



Appeal Decision

Site visit made on 8 November 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2022.

Appeal Ref: APP/T0355/W/22/3299971

Sutton Road, Cookham, Windsor and Maidenhead, Berkshire SL6 9QP

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref 21/03688/TLDDT, dated 16 December 2021, was refused by notice dated 9 February 2022.
 - The development proposed is 5G telecoms installation: H3G Phase 8 15m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), 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 this basis.
3. The application was refused with reference to policies in the Borough Local Plan Main Modifications Version. The Borough Local Plan 2013-2033 (BLP) was adopted as of 8 February 2022. The Council has confirmed that the policies stated in its decision have not changed. Regardless of the status of the BLP, the principle of development is established by the GPDO 2015 and Part 16, Class A does not require regard to be had to the development plan. I have had regard to the policies of the BLP and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed development on the character and appearance of the area, including the setting of designated and non-designated heritage assets, and, if any harm would occur, whether it is outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternative sites.

Reasons

Character and appearance

5. The application site is a triangular section of grass verge at the corner of Sutton Road and Mill Lane. The surrounding area is predominantly residential, with significant mature vegetation within generous front gardens. The sections of Sutton Road and Mill Lane near the site feature wide grass verges with walkways on only one side of the road. Together this gives the area the character and appearance of a verdant edge of village location.
6. There are wooden telegraph poles in the area but only one small streetlamp on the corner opposite the site. Its width and height are significantly less than the telegraph poles. There are two street signs and a street name on the edges of the triangular grass verge but these are small and relatively inconspicuous leaving the rest of the verge open and uncluttered.
7. The proposal would result in a 15m high pole and associated equipment cabinets being located towards the back of the verge but set off from the boundary with the neighbouring dwelling. The pole would be significantly wider and taller than any other vertical structure in the area, and the top section containing the antennas would be particularly prominent. Due to the siting, the pole and cabinets would be highly visible when travelling along Sutton Road, which is a main route into and out of Cookham. The trees within the garden of the neighbouring dwelling would form the backdrop against which the pole would be viewed from some perspectives. However, as these trees are on private land, and I have not been informed they are protected, there is no mechanism to secure their retention. In addition, as the trees are located behind the pole, they would not provide any screening when viewed from the road. From some perspectives, the pole would be visible against the skyline. The proposed equipment at ground level would introduce clutter in an area which is currently open and relatively free of street furniture. Consequently, the siting and appearance of the proposed pole and cabinets would be highly prominent and incongruous, resulting in significant harm to the character and appearance of the area.

Setting of heritage assets

8. The site is just outside of, but adjacent to the Cookham High Street conservation area. It is also opposite The Old Ship, which the conservation area statement recognises as an important non-designated heritage asset and a prominent building, of fine quality, located on an approach into Cookham.
9. The main perspective from which The Old Ship and the start of the conservation area are viewed is from Sutton Road, where the open setting and verdant character of the site is currently a positive aspect of the setting and contributes positively to the significance of these heritage assets. The incongruous and unduly prominent and visually jarring presence of the proposal would disrupt views into and out of the conservation area and towards The Old Ship and the cabinets would reduce the openness of the verge. The siting and appearance of the proposal would therefore cause harm to the setting of these heritage assets and the value the setting adds to their significance.

10. Given the nature of the proposal and its location within the setting of the conservation area, the harm would be significant, but 'less than substantial'. In accordance with paragraph 202 of the Framework, such harm should be weighed against the public benefits of the proposal. Paragraph 203 sets out that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account and a balanced judgement made.
11. The appellant has set out the need for the proposal to fill a gap in coverage in the area, with associated benefits being faster and more reliable connectivity, including 5G. In turn this would contribute to economic growth in the UK, improve connectivity in society and serve potential new technologies. I consider that these public benefits arising from this particular proposal would be moderate. They would not be sufficient to outweigh the less than substantial harm to the significance of the designated heritage asset, to which I must give great weight in accordance with paragraph 199 of the Framework. The benefits also do not outweigh the harm to the setting of a non-designated heritage asset.

Alternative sites

12. The Government's support for such proposals is clear with paragraph 114 of the Framework establishing that decisions should support the expansion of electronic communications networks including next generation mobile technology such as 5G. However, the conditions set out under A.2(1)(b) of Part 16, Class A of the GPDO require that the visual impact of the proposal on the area is minimised, so far as practicable. In addition, paragraph 115 of the Framework states that new equipment should be sympathetically designed and camouflaged where appropriate. This is reflected in Policy IF7 of the BDP which sets out that proposals that would result in improvements to telecommunications networks will be supported, provided environmental impacts are minimised.
13. Paragraph 117c of the Framework requires that for a new mast, the applicant must provide evidence that they have explored the possibility of erecting antennas on an existing building, mast or other structure. Therefore, taking into account my conclusion on the main issue, I need to consider the availability of suitable alternative sites which are potentially less harmful in terms of siting and appearance.
14. The pole and cabinets would be coloured green. This would lessen the visual impact to a minor extent but would not alter the fundamental issue of scale, height and siting. A map of the cell search area has been provided, which I have no reason to question and, given the requirements of 5G, I accept that the area is constrained. Despite stating that a desktop and physical search did not identify any mast/site sharing opportunities or suitable existing buildings/structures, the appellant has provided no evidence of the possibilities that were explored or why they were discounted.
15. Brief information has been provided on 4 potential alternative sites for new masts which were considered but discounted due to stated issues with visibility plays and pavement width. No detail on the extent of the potential issues has been provided so I am unable to consider if the discounted options would have been more or less harmful than the proposal.

16. The issues identified above place doubt over whether alternative site options have been fully and properly considered. Therefore, I do not have clear and persuasive evidence that, in all likelihood, there are no sites available which are more suitable and less harmful.

Conclusion

17. The need for an installation to provide coverage in this area weighs in favour of the appeal. However, I am in no doubt that the proposed siting and appearance would be harmful to the character and appearance of the area, including heritage assets. It has not been demonstrated that less harmful alternatives have been fully explored. Consequently, the need for the installation in this location does not outweigh the harms identified. Therefore, for the reasons given above, the appeal is dismissed.

Helen Davies

INSPECTOR