



Appeal Decision

Site visit made on 15 November 2022

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2022

Appeal Ref: APP/D3640/W/22/3296388

Arethusa Way, Guildford Road, Bisley GU24 9DD

- 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 Hutchinson Networks (UK) Ltd against Surrey Heath Borough Council.
 - The application Ref 21/0922/GPD, dated 7 August 2021 was refused by notice dated 5 October 2021.
 - The development proposed is a 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.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the Order), 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 the same basis.
3. The Council has referenced development plan policies in its decision notice. The principle of development is established by the Order and the provisions of Schedule 2, Part 16, Class A of the Order do not require regard be had to the development plan. Nevertheless, 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 a material consideration relevant to matters of siting and appearance.
4. The appellant has submitted a plan¹ that did not form part of the original application. This shows the visibility splay at the junction near the appeal site. The Council has not commented on this matter through this appeal process. However, this information does not change the proposal which was considered at the application stage. Therefore, to consider this information would not deprive those who should be consulted on changes to the proposal an opportunity to be consulted. For this reason, I have taken account of the plan in this appeal.

¹ Refs: 211 Vis Splay Plan SUH17049 Issue D

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on:
- the character and appearance of the area,
 - the living conditions of the occupants of 2 Arethusa Way, with regard to outlook,
 - the safety of road users at the junction of Arethusa Way/Guildford Road, with regard to visibility splays; 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

Character and Appearance

6. The appeal site is on a green verge fronting Guildford Road. Although this is a relatively wide main road, it is lined by a mix of dwellings and, in part, by mature trees and hedges. Housing estates are also set behind this main road, with dwellings on Arethusa Way, to the rear of the site, forming part of such an estate. These features give this area a distinctly residential character.
7. On my site visit, I saw that street furniture was limited in this area and included streetlights, bus shelters, street/road signs and pedestrian crossing lights. There are existing telecommunication cabinets in the vicinity of the appeal site, but these are relatively small and set at the rear of a verge that is divided from the carriageway of the main road by a pavement and another verge.
8. The proposed tall mast, and its sizeable base would be positioned on the verge bounding the carriageway of Guildford Road. The base would have three ancillary cabinets located along side it. This equipment would be positioned on a verge which is currently devoid of structures, with the exception of a streetlight. The mast would be considerably taller and wider than the existing streetlight, and the base and one of the ancillary cabinets would also be considerably larger than the existing cabinets at the rear of the pavement. Moreover, the collection of structures would considerably fill this existing space and unbound on this relatively open verge the large, commercial equipment would appear a stark and dominating addition in this residential street scene.
9. While the mast would be slightly shorter than the previous proposal that was refused permission, the structure would still be considerably higher than not only the surrounding street furniture but all other built forms in the immediate area. The backdrop of the mast would be a side elevation of a dwelling on Arethusa Way. When viewed in its immediate vicinity, and from the pavement opposite, the mast's distinctly commercial character would appear a discordant feature at odds with this principally residential setting.
10. There are mature trees on the north and south side of Guildford Road. However, unlike the proposed location of the mast and cabinets, these trees are set back from the main road carriageway, behind the pavement, and in places, behind another verge. Set forward of the pavement, the equipment

would not be meaningfully screened by the trees, either close to the site or when the mast is viewed from a greater distance, in both directions, along Guildford Road. As a result, the harmful visual appearance of the installation would not be mitigated by these existing natural features.

11. The ancillary cabinets might be allowed under permitted development rights. However, these structures form part of the scheme before me, and it is unlikely that they would be constructed without the mast. It is therefore reasonable to consider the visual effect of the scheme as a whole. The mast and cabinets could be painted in a colour that fits with surrounding street furniture, but this would not minimise their size or their incongruous appearance. In any event, the Order governing this proposal does not provide any specific authority for imposing additional conditions beyond the standard conditions specified by the Order. As a consequence, there would be no means of ensuring this outcome.
12. I therefore find that the siting and appearance of the proposed installation would have a harmful effect on the character and appearance of the area. Although not determinative in this case, it would be inconsistent in this regard to Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document (Core Strategy) which seeks development that, amongst other matters, respects and enhances the local, natural or historic character of the environment be it in an urban or rural setting.

Living Conditions

13. The proposed large mast would be set close to the side elevation of 2 Arethusa Way, with only a verge and pavement separating this existing dwelling and the mast. This side elevation has one small window, at ground floor level, with obscured glazing, so that the proposal would unlikely effect the outlook from the dwelling. However, the mast would also be close to the rear garden of this dwelling. The base would be screened by the mature vegetation at No 2's side boundary. However, a substantial length of the proposed mast and the full extent of the large antenna would be visible from this rear garden space.
14. The towering presence of the mast would encroach into the sky above the verdant boundary of the rear private garden space of No 2. This overtly commercial feature would contrast starkly with this green side boundary and would appear an intrusive feature in the existing space above it. In this regard it would dominate and diminish the outlook currently enjoyed by the occupants of this dwelling when in their rear outside space.
15. For this reason, I find that the siting and appearance of the proposed installation would have a harmful effect of the living conditions of the occupants of 2 Arethusa Way, with regard outlook. In this respect it would be inconsistent with Policy DM9 of the Core Strategy, which requires development to respect the amenities of occupiers of neighbouring property and uses.

Highways – Visibility Splays

16. Guildford Road is a busy main road. Therefore, although its carriageway is relatively straight immediately near the appeal site, the volume and flow of traffic on this stretch of the carriageway, makes it challenging for motorists exiting Arethusa Way, when crossing the path of traffic on this main road, to travel southeast.

17. Care is also required, when turning out of this junction in this direction, to take account of vehicles which may be exiting Wilcot Close, which is roughly opposite Arethusa Way. There is also a bus stop on the opposite side of the road, and periodically this is likely to increase the challenges to motorists joining this busy main road, when buses stop to pick up passengers. As a consequence of these factors, motorists joining the main road from this junction, crossing the path of traffic on the Guildford Road, need particular focus to avoid conflict with other road users.
18. The base of the mast and the cabinets would be close to this junction. However, it would be positioned at the back edge of the verge that bounds the Guildford Road carriageway and stepped in from the Arethusa Way junction. Moreover, this relatively wide verge, that is generally free of structures other than a streetlight, allows motorists exiting Arethusa Way, largely uninterrupted views of vehicles on the main road travelling from the northwest towards the appeal site.
19. The visibility splay plan submitted with this appeal also shows, that in this proposed location, the installation would not encroach into the visibility splay looking northwest along this main road carriageway from the junction. Indeed, it shows that the base and cabinets would be set a significant distance back from this splay so that the equipment would not cause an obstruction within the splay. Therefore, motorists exiting the junction, and turning to travel northwest, would still have clear sight of the pedestrian crossing on Guildford Road in this direction. Furthermore, motorists leaving Arethusa Way and turning right, would also still have uninterrupted views of vehicles travelling southeast along Guildford Road. Consequently, in this regard, the proposal would not harmfully add to the existing challenges that road users encounter at this junction.
20. The Highways Authority has requested forward visibility splays for southeast bound vehicles on Guildford Road approaching Arethusa Way. This has not been provided by the appellant. However, with the installation at the back of the verge, and some distance from the head of the junction on Arethusa Way, southeast bound motorists on the main road would not be prevented from seeing vehicles at that junction head by this proposal. The installation would not contribute to risks on this section of the main road for this reason.
21. The proposed mast would be positioned to the north of the Arethusa Way junction. Set back from that junction as outlined, the equipment would not interfere with the visibility of motorists travelling northwards on Guildford Road, on the nearside carriageway, approaching Arethusa Way. Therefore, the installation would not result in harm to this section of the main road, and for the reasons outlined above, this would also be the case for other sections of the highway near the appeal site.
22. The Highways Authority has also requested information about matters other than visibility splays, which included containment barriers and the maintenance of the equipment. Although these were not provided at the time of the application, the appellant has submitted details relating to these matters in this appeal process.² However as I have found harm in respect to siting and appearance with regard to character and appearance and living conditions, there is no need to consider this further in this appeal.

² Ref: 210 Proposed Site Plan SUH17049 Issue D

23. In light of the above, I find that the evidence before me does not demonstrate that the proposed installation would have a harmful effect, in terms of siting, on the safety of road users at the junction of Arethusa Way/Guildford Road, with regard to visibility splays. Although not determinative, in respect to this issue, the proposal would not conflict with Policy DM11 of the Core Strategy. This states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce and mitigate such impacts to acceptable levels can be implemented.

Alternative Sites

24. Although I have not found harm in terms of siting in respect to highways, I have with regards character and appearance and living conditions. Therefore, it is necessary to take account of alternatives in this case. While minimal evidence has been submitted on the matter, the problems with using existing masts or sharing masts have been explained. I also acknowledge that the new technologies may necessitate new structures. Furthermore, I see nothing which would lead me to question why the mast should be the height proposed. However, there are few details exploring the potential to site the mast on existing structures or buildings. Such an approach could work towards camouflaging and reducing the visual impact of the strikingly tall structure in this predominately residential area.
25. I note that the search area is small, and I find no evidence of alternative sites considered for this proposal beyond those supplied by the appellant. This aside, there is limited explanation as to why the appeal site and the alternative sites, with the exception of D2, are concentrated along a short stretch of the Guildford Road in the search area. While accepting all these sites are not located adjacent to schools, or near parks or the prison, I note that this is also applicable to other areas in the search area. Furthermore, while the appeal site is not affected by constraints such as heritage assets etc. the evidence fails to confirm whether the alternative sites are constrained by such designations or indeed whether this is an issue in other parts of the search area.
26. In respect to the alternative sites that were considered, although three of the alternative sites were discounted for physical site constraints, such as presence of manhole covers or tree canopies, and another one due to visibility splays, the two remaining alternative sites were discounted due to residential amenity issues. However, this reasoning is not expanded upon in the submitted evidence. Therefore, I am unable to consider how this issue at alternative sites D1 and D3 would weigh against the harmful issues identified at the appeal site. As such, the evidence before me does not demonstrate that locating the installation at the alternative sites would be more harmful in respect to siting and appearance, than the harms that would arise at the appeal site.
27. For these reasons, I have insufficient information to conclude that the appeal site would be the least harmful location in the search area and would be the only viable option. I am unable to conclude that the appeal site would be the least harmful option for this visually harmful development, and that there are no more suitable alternatives reasonably available in this constrained search area.

Other Matters

28. The Framework states that advanced, high quality and reliable communication is essential for economic growth and social well-being. While these matters, and similar benefits outlined in the Future Telecoms Infrastructure Review, the Government's economic growth strategy and advice to Chief Planning Officers, are outside the provisions of the Order, this development would contribute to the expansion of the next generation of electronic communication network. The proposal would in small part help address the national and local need for this infrastructure. This would be a positive factor that weighs in favour of the proposal.
29. The Council has not raised an issue regarding the effect on pedestrian flows and this matter is relevant to siting and appearance. However, it should be expected that development would not result in this kind of harm and therefore this is a neutral factor in this case.
30. The mast is designed to facilitate multiple sharers, and this also relates to siting, in so much as this could reduce the need for other masts elsewhere. I find that this is a positive factor. However, the evidence is conflicting on this matter, and suggests a 'greenfield' mast, of a bulkier form than the one proposed in this case, would be necessary for this outcome, so I find this benefit would be limited at best.

Conclusion

31. The proposal would contribute to the new 5G network, and the mast is designed for multiple sharers. Weighed against this I find that the proposal would result in substantial harm to the character and appearance of the area and would harm the living conditions of neighbouring residents. Accordingly, the lack of clear evidence demonstrating that there are no other suitable alternatives available is an important factor in this case. I therefore conclude that the limited benefits identified above would not outweigh the substantial harm identified in this case and, in terms of siting and appearance, the site is not acceptable. Therefore, the appeal is dismissed.

A J Sutton

INSPECTOR