



Appeal Decision

Site visit made on 6 December 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2022

Appeal Ref: APP/C1950/W/22/3291322

Shoplands Streetworks, Shoplands, Knightsfield, Diswell AL8 7RH

- 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 Hutchison Networks (UK) Ltd against the decision of Welwyn Hatfield Council.
 - The application Ref 6/2021/2527/PN15, dated 27 August 2021, was refused by notice dated 21 October 2021.
 - The development proposed is the installation of a 15 metre high monopole supporting six antennas and two transmission dishes, four equipment cabinets and development works ancillary thereto.
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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 15 metre high monopole supporting six antennas and two transmission dishes, four equipment cabinets and development works ancillary thereto at Shoplands Streetworks, Shoplands, Knightsfield, Diswell AL8 7RH in accordance with the terms of application Ref: 6/2021/2527/PN15, dated 27 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. Therefore, I have limited my considerations to matters pertaining to 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 of ground located on the periphery of the town. The surrounding area contains several buildings, which are predominantly used for commercial and leisure facilities. These buildings are generally of a limited height. There are some dwellings in the wider area however these are a notable distance away from the appeal site. In addition, some of the dwellings are near to grassed areas. This gives the area a more open character.
6. The proposed development would result in an increase in built form by reason of the height of the proposed monopole. This would be notably taller than the existing buildings. The proposed development would therefore conflict with the more open character that is a feature of the vicinity.
7. This is a concern given that the proposed development would be viewable from large distances away from the appeal site. This would be exacerbated by the varied topography in the surrounding area. This means that the proposed development would be readily apparent and would erode the generally open character interspersed with low-level developments. This would occur irrespective of the colour of the development.
8. However, the effects of the development would be relatively limited owing to the generally narrow proportions of the monopole. This means that the increase in built form would not be overly perceptible. In addition, some of the monopole would be screened by different buildings in the surrounding area. This would reduce the prominence of the proposed development.
9. In addition, the proposed development would be relatively well screened by existing trees within the surrounding area. Although the screening effect would be less than total, they would serve to reduce the effects of the development. This would render it less prominent.
10. The proposed development, owing to its position in the surrounding area, would not be significantly visible from any of the nearby residential properties which would render it a less prominent addition to the surrounding area. These factors would limit the harm that would arise from the proposed development. However, they would not completely overcome it.
11. The proposal includes the provision of various equipment cabinets. The appellant has suggested such cabinets fall under the definition of permitted development and that no form of permission is needed. Nonetheless, even if I were to agree with the council, I would find that the proportions and siting of these cabinets would be relatively discreet.
12. This means that they would not be unduly prominent when viewed from the wider surrounding area. Furthermore, they would be viewed against the backdrop of different items of street furniture and buildings in the surrounding area. This means that they would not have an adverse effect on the character and appearance of the surrounding area. However, this does not outweigh my findings in respect of the effects arising from the monopole.
13. Although not cited in the Council's Decision Notice, my attention has been drawn to Policy R21 of the Welwyn Hatfield District Plan (2005). Amongst other matters, this seeks to ensure that new installations do not harm the

appearance of the street scene nor appear visually intrusive. For the foregoing reasons, the development would conflict with this policy.

14. I therefore conclude that the proposed development would have a limited adverse effect on the surrounding area. The siting and design of the development would therefore conflict with the requirements of the Framework.

Other Matters

15. Concerns have been raised regarding potential noise emanating from the proposed development. However, given the surrounding area features several commercial facilities, which are likely to have activities associated with them, I do not believe that any noise generated from the proposal would lead to an erosion of the living conditions of the occupiers of neighbouring dwellings.
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.

Planning Balance

17. Although the proposed element would result in some harm to the character and appearance of the surrounding area, it is necessary to balance these adverse effects against any benefits that may exist.
18. It has been highlighted that there is a particular need for proposed telecommunications equipment in the surrounding area in order to address existing shortfalls in network coverage. Therefore, the proposed development would generate benefits to residents and businesses in the form of increased availability and reliability of electronic communications. This approach is supported by the Framework, which at Paragraph 114 states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.
19. In addition, the Framework also states that planning decisions should support the expansion of electronic communications networks. This includes next generation mobile technology.
20. Given the nature of the proposed development, the development would support the delivery of improved telecommunications infrastructure. This is a matter to which I ascribe a large amount of weight.
21. Furthermore, it has also been demonstrated that there is a limited number of locations in the surrounding area that could accommodate the proposed development in a less harmful manner. Therefore, if the development will not come forward in this location, there is a reasonable likelihood that the aforementioned benefits would be lost owing to the lack of reasonable alternatives. This would mean that such benefits would be lost.
22. I have concluded that the proposed development would generate a limited harm to the character and appearance of the surrounding area arising from its siting and design. However, I conclude that this limited harm would be outweighed by the economic and social benefits that would stem from the proposed upgrade which would not be realised if the development were not to proceed in this location.

Conclusion

23. For the preceding reasons, I conclude that the appeal should succeed, and prior approval be given.

Benjamin Clarke

INSPECTOR