



Appeal Decision

Site visit made on 29 November 2022

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

an Inspector appointed by the Secretary of State

Decision date: 20 December 2022

Appeal Ref: APP/T0355/W/22/3300097

St Leonards Road, Windsor SL4 3DJ

- 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 Hutchison Networks (UK) Ltd against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref 21/03397, dated 9 November 2021, was refused by notice dated 7 January 2022.
 - 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. Since the application was determined the Windsor Borough Local Plan 2022 (LP) has been adopted. The Statement of Case refers to the newly adopted LP and the Windsor Neighbourhood Plan 2021 (NP). The Council has referred to several development plan policies of the LP and the NP¹.
3. 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 referred to, 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 taking into account any representations received. My determination of this appeal has been made on this basis.

Main Issues

4. The main issue is the effect of the siting and appearance of the proposed installation on:
 - The character and appearance of the area, including the setting of designated heritage assets;- and
 - If any harm is identified whether that harm would be outweighed by the need for the installation and the lack of less harmful alternative sites.

¹ Policies IF7, HE1, QP3 and NR3 of the Windsor Local Plan 2022 and BIO.01 and BIO.02 of the Windsor Neighbourhood Plan 2021

Reasons

Character and appearance

5. The appeal site is an area of grass verge located close to the main pedestrian entrance to the Grade II listed Edward VII Hospital (Listed Building). The main entrance also leads to a car park, with the Listed statue of Edward VII (Statue) located centrally. The site is also part of a junction that intersects St. Leonards Road, Frances Road to the east and Alma Road to the north. There are elements of street furniture/paraphernalia including zebra crossings, traffic lights, street lighting and highway signs close to the appeal site and on the central reservation. There are also three and four storey flatted buildings on the opposite side of the reservation.
6. Based on my observations, and the evidence provided, the significance of the Listed building and Statue is largely defined by the materials and architectural features of the main frontage of the building as well as its historical use as a Union Workhouse and later a hospital for the elderly. The external period features include 2 storey canted bays with a central door and Tudor arch and square hoodmould, which are visible from St. Leonards Road. Furthermore, it is indicated that the pedestrian entrance led to a formal open space (now a car park) with the Statue at its heart.
7. In respect of the setting of the heritage assets, this part of St Leonards Road is a busy B-road with three and storey buildings opposite. However, on the appeal side, the Listed Building is the dominant building, and maintains a significant set back from the highway, as well as a hedge and trees along with the grass verge at the boundary. The setback from the road, together with the trees and greenery provides an open and green space that denotes its importance. It also limits views of the modern road, footways and some street paraphernalia from inside the car park. This set back and greenery contributes to the understanding of the history of the statue at the centre of a formal open space. The setting, therefore, adds significance to the heritage assets.
8. Despite the presence of the busy road and taller flatted developments, the site lies within what is an attractive foreground to the Listed Building and Statue. Although the appellant has proposed a slim design, the mast and antenna would still be appreciably higher and wider than any other street paraphernalia. Furthermore, close to mid-range views of the Listed Building and Statue from St Leonards Road as well as Alma Road would be interrupted by the siting and scale of the proposed development. As such, the modern design and utilitarian appearance, coupled with its siting and height would result in an unduly prominent and visually jarring addition that would cause harm to the open setting of these heritage assets and the value it adds to their significance.
9. Furthermore, the nearest tree on the highway verge and those bordering the boundary with the hospital are not fully mature. However, due to their proximity and potential growth, there is a reasonable likelihood that the proposed development would impact on them, either during construction or by restricting the spread of the canopies. However, due to the limited evidence before me, I am unable to determine if the nearest trees to the proposed development would be adversely affected by the development. Consequently, the appellants have failed to demonstrate that the proposed development would not have an unacceptable impact on the nearest trees. The loss of the trees in this location

would not only limit any potential softening of the proposed development in the future, but also impact upon the contribution they make to the green route and setting of the Listed Building and Statue.

10. A condition to finish the proposed development in green would not sufficiently ameliorate the impact. The nearest built form is a mixture of brick and render, with lighting columns finished in grey and traffic signs and lights in black. Furthermore, the proposal is such a height that it would be above the nearest trees in an open area, with the light render finish of the hospital in the background. In this setting, and particularly when the trees are not in leaf, the green finish would not satisfactorily integrate the development into the area.
11. Paragraph 199 of the Framework sets out that great weight should be given to the conservation of heritage assets. Due to the scale of the proposal and its location within the setting of the heritage assets, the harm would be significant but 'less than substantial harm' to the setting of the Listed Building and Statue. Paragraph 202 of the Framework is applicable in these instances and indicates that less than substantial harm to heritage assets should be weighed against the public benefits of the proposal.
12. In terms of benefits, I note the support in the Framework for high quality communications, and that advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. These benefits increase consumer value through improved connectivity, driving consumer and business innovation through devices and services, new internet of things (IoT) solutions and smarter infrastructure and public services. In this case, the considerable benefits do not outweigh the significant harm to the character and appearance of the area, including the setting of the Listed Building and the Statue.
13. Accordingly, the proposed development would have an unacceptable impact on the character and appearance of the area, including the setting of the designated heritage assets. Insofar as they are a material consideration, the proposal would also be contrary to the aims of Policies IF7, HE1, QP3 and NR3 of the LP and Policies BIO.01 and BIO.02 of the NP. Amongst other things, these policies seek to ensure development, including servicing features, are high quality in design and protect the character and distinctiveness of heritage assets, their settings and the locality. Furthermore, they seek to retain trees and green spaces along the green route to improve visual amenity.

Alternative sites

14. Paragraph 117 of the National Planning Policy Framework (the Framework) states, among other things, that applications for electronic communications development (including applications for prior approval under the GPDO) should be supported by necessary evidence to justify the proposal. Where this relates to a new mast or base station, this evidence should include that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
15. I recognise that the 5G cell search area is constrained, and that the location has been selected due to the numerous elements of vertical street furniture within the context of the appeal site.

16. The appellant has provided a map detailing discounted options. However, all of the discounted options appear to be locations at street level, and there is limited evidence before me that indicates existing buildings within the locality have been investigated and the reasons for them being discounted. Although I appreciate that a large proportion of the buildings might not be appropriate, from what I saw, taller buildings exist within the locality. In addition, the street location at D1 indicates that due to their proximity to the Listed Buildings it was discounted. However, it has a similar level of proximity to the appeal site but would not interrupt significant views of the main elevation of the Listed Building and Statue. As such, the reason behind discounting this site appears potentially misplaced.
17. Consequently, the need for this installation weighs in favour of the appeal, but I am not satisfied that potentially less harmful alternatives on existing buildings and at street level have been adequately explored, contrary to the policy objectives set out in section 10 of the Framework.

Conclusion

18. I note the support in the Framework for high quality communications, and that advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. I also note the benefits modern telecommunications give to vital services within the area, and its importance for home working during the recent pandemic. Nevertheless, I must balance this against the requirement for equipment to be sympathetically designed and sited. In this case, the considerable benefits do not outweigh the significant harm to the character and appearance of the area.
19. For the above reasons, I conclude that the appeal should be dismissed.

M. P. Howell

INSPECTOR