

Appeal Decision

Site visit made on 9 January 2023

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2023

Appeal Ref: APP/T0355/W/22/3299985

Area of grass verge, Tinkers Lane, Windsor SL4 4PH

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Great British Communication against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref 22/00090/TLDDT, dated 13 January 2022, was refused by notice dated 9 March 2022.
 - The development proposed is 20m 'slim line' phase 8 monopole c/w wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. No description of development is given within the application form. I have therefore used the description of development given within the decision notice as it accurately describes the proposal.
3. There is no dispute between the main parties that the proposal satisfies the limits to permitted development set at Paragraph A.1 to Class A of Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO). Paragraph A.3 requires that before development can commence a determination be made as to whether prior approval will be required as to the siting and appearance of the development.

Planning Policy

4. There is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, Policies QP2, QP3 and IF7 of the Royal Borough of Windsor and Maidenhead Borough Local Plan (2013-2033) and Policy BIO.02 of the Windsor Neighbourhood Plan (2019-2034) (the Neighbourhood Plan) are material considerations as they relate to issues of siting and appearance. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration and this includes a section on supporting high quality communications.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposal on the character and appearance of the area and, if any harm would occur,

whether this would be outweighed by the need to site the installation in the proposed location, having regard to the potential availability of alternative sites.

Reasons

Character and appearance

6. The appeal site is part of a grass verge on the western side of Tinkers Lane close to the junction with Wolf Lane and White Horse Road. The grass verge is along the Wolf Lane to Tinkers Lane Green Route, as identified in the Neighbourhood Plan. The area is residential and is characterised by two storey dwellings in a variety of styles. There are a number of items of street furniture within the area, including street lighting columns and equipment cabinets. The grass verge and the mature trees situated within it provide a verdant feel which contributes positively to the character and appearance of the area.
7. Whilst a slimline design has been specified, the monopole would nevertheless be significantly taller and wider than nearby street lighting columns. It would also be considerably higher than nearby two storey dwellings. The prominent siting of the proposal and the height and width of the monopole, particularly the antennas at the top, would draw the eye, and result in the proposal appearing as a bulky and top heavy structure at odds with the more slimline street lighting columns. The monopole would therefore appear disproportionately high and dominant viewed in the context of nearby two storey properties. It would also be harmful to the verdant character of this section of the Green Route.
8. The proposal would be seen partly against the backdrop of the mature trees within the verge. The trees would also provide some screening of the development from certain views along Tinkers Lane and Wolf Lane, but would not be as effective in this regard during the autumn and winter months with reduced leaf cover. It is indicated that the monopole and cabinets would be coloured green, however this would not sufficiently mitigate the adverse impact of the proposal, which would arise chiefly as a result of its siting and scale.
9. The appeal site is not within a conservation area. I am also mindful that the monopole must be of sufficient height to provide the required coverage. However, given its height, width, utilitarian appearance and siting, the monopole would be a conspicuous feature which would be at odds with the character of the area. Moreover, the monopole and associated cabinets, including the wraparound cabinet at the base of the pole, would in combination with the existing cabinets on the grass verge result in an undue proliferation of street furniture and add to a sense of a visually cluttered street scene.
10. For the reasons given above I conclude that, due to its siting and appearance, the proposal would be significantly harmful to the character and appearance of the area.

Alternative sites

11. Applications for telecommunications development should be supported with the necessary evidence to justify the proposal in accordance with Framework paragraph 117. The appellant has followed a sequential approach to site selection. It is stated there are no suitable buildings or site sharing opportunities within the intended cell area that would be capable of accommodating the proposed installation. 7 alternative sites were considered by the appellant but subsequently discounted.

12. The information before me is limited to a map of the cell search area, the locations of the discounted options and a brief explanation as to why each of the alternatives is unsuitable. The location of option D7 (existing mast infrastructure) is not identified on the map. Moreover, the appellant states that the intended target area has a radius of approximately 100m and is centred over the Tinkers Lane area. However, most of the discounted sites are located well beyond the intended target area. It is unclear to me what search area was used, what criteria were used to search for alternative sites or how sites were selected for further consideration. No detailed evidence has been provided to show that adverse impacts would take place or that locations within the identified alternative sites could not host an installation. On the basis of the evidence before me, I cannot be satisfied that alternative sites have been comprehensively assessed or that the appeal site represents the least harmful option available in the area to meet the additional coverage and capacity requirements and so secure the same public benefits.

Other Matters

13. A number of other concerns have been raised made by interested parties, including impacts on public health; adjacent trees; disruption to navigation equipment; and the effect on the value of nearby properties. I also note the Council's concern that the appellant has not provided a signed certificate with the application or appeal that self-certifies that the cumulative exposure, when operational, would not exceed the International Commission on Non-Ionising Radiation Protection guidelines for exposure to health risks. However, as the appeal is to be dismissed for the other reasons referred to in this decision, it has not been necessary for me to consider these matters further.

Planning Balance and Conclusion

14. Framework paragraph 114 states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. The proposal would contribute to the delivery of sustainability and provide an upgrade to digital telecommunications allowing for additional coverage and capacity, including the introduction of 5G technology to the locality. This weighs positively in favour of the proposal.
15. However, on the basis of the evidence before me it has not been demonstrated that the appeal site is the best available option for minimising the effect of the development. Therefore, notwithstanding the need for the proposed installation, and the benefits which would arise from it, the harm to the character and appearance of the area would not be outweighed by the need to site the installation in the location proposed. The appeal is therefore dismissed.

M Ollerenshaw

INSPECTOR