



Appeal Decision

Site visit made on 21 December 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2023

Appeal Ref: APP/C1950/W/22/3291297

Welwyn Garden City Ambulance Station, Ascots Lane, Welwyn Garden City AL7 4HX

- 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 MBNL against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2021/3335/PN15, dated 20 November 2021, was refused by notice dated 14 January 2022.
 - The development proposed is MBNL 20.0m Phase 7 Monopole complete with wraparound cabinet to be installed on root foundation and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Because this is an application for prior approval, the provisions of the 2015 Order 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 the appeal has been made on this basis.

Planning Policy

3. Part 16 of the Order establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. Furthermore, there is no requirement to have regard to the development plan as there would be for development requiring planning permission.
4. Nevertheless, Policies D1, D2 and R21 of the Welwyn Hatfield District Plan 2005 are material considerations as they relate to issues of siting and appearance. In particular, they require a high standard of design respecting the character and context of the area, applications must demonstrate technical reasons prevent installation on existing structures, and masts must have capacity to allow mast sharing, subject to any technical or environmental constraints. The National Planning Policy Framework (the Framework) is also a material consideration.

Background and Main Issues

5. The appellant advises that the development would replace an existing installation having been issued with a Notice to Quit ("NTQ") relating to a facility on the Queen Elizabeth II ("QE2") Hospital, which has since been demolished and rebuilt.

6. The main issues are:

- the effect of the siting and appearance of the proposed installation on the character and appearance of the area; 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

7. The appeal site is an area of land at the rear of the Welwyn Garden City Ambulance Station between the building and the Spring House Medical Centre. The wider site hosts other health-related facilities, and the recently redeveloped QE2 Hospital site is located beyond Ascots Lane to the east. The area is otherwise a residential one, with blocks of 3-storey flats to the north, and two-storey dwellings beyond on Kingsley Court and Howlands.
8. A temporary 25m lattice mast is currently sited close to the appeal site, and is subject to a separate appeal relating to a temporary planning permission (ref: APP/C1950/W/21/3286104).
9. In addition, a separate permanent lattice tower of a significant, but unspecified, height is sited close to another healthcare building adjacent to the ambulance station.
10. In 2018 prior approval was granted for a permanent 17.5m mast in the same location as the current appeal (LPA Reference: 6/2017/2928/PN15) but has not been installed.
11. At ground level the proposed mast and cabinets would largely be obscured from view by coniferous and deciduous trees, and the rear of the ambulance station and medical centre buildings. At 20m in height, the proposed mast would only be slightly higher than that previously approved, but it would be a broader mast, and with antennas for EE, 3UK and the Emergency Services Network (ESN), would be visually more complex. At 20m in height it would stand around 10m above the trees around it, and 14.5m higher than the ambulance station building adjacent.
12. From the closest parts of Ascots Lane the mast would be seen above and in the context of the single storey medical centre building, and in association with the hospital building and its car park on the opposite side of the road. It would also be seen with a backdrop of trees. At the same time, it would significantly exceed the height of these elements.
13. On Ascots Lane close to the junction with Howlands it would be seen as an industrial feature above vegetation in a residential context. It would be visible in gaps between residential buildings on Howlands, and particularly so in the winter months when deciduous trees have shed their leaves. From Kingsley Court and the footpath linking it to Howlands views of the proposed mast would be similar.
14. From private areas in the vicinity of the mast, it would be more visible, particularly from the surrounding dwellings and their gardens. The rear of houses on Kingsley Court and Howlands face the appeal site. It would be very

prominent and obtrusive from some dwellings and their gardens, and the access, parking and amenity areas of flats. From the north and south, in particular, the mast would be seen as a substantially higher feature than the ambulance building adjacent to it. It would be a negative presence of industrial character in those views, and adjusting the colour of the proposed mast would not provide adequate mitigation.

15. In conclusion, the siting and appearance of the proposal would therefore harm the character and appearance of the area, and the harm should be weighed against the need for the installation to be sited in this location.

Need and alternatives

16. The proposal would provide 5G coverage for the wider area. It would also provide coverage for three operators (EE, 3UK and the ESN). The appellant advises that the height of the proposed mast is the minimum required to do so. It also states that a lower mast would not meet the ICNIRP requirements, would need to be positioned in a more exposed location, or would not be able to provide adequate coverage.
17. The Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. And that policies and decisions should support the expansion of the communications networks, including 5G. However, it also requires equipment on new sites to be sympathetically designed and camouflaged where appropriate, and there is an overarching imperative in the Framework for achieving well-designed places.
18. With regard to alternative locations/solutions, the appellant advises that the target coverage area includes the 'Welwyn Garden City area', and the appeal site is the sequentially optimum solution.
19. The alternative options considered by the appellant include the QE2 hospital building and its chimney structures on the other side of Ascots Lane. But those buildings have already been demolished, and the site has since been redeveloped with a smaller hospital building and housing. Evidence of consideration of use of the permanent lattice tower on the wider site containing the ambulance station is also very brief, and I have not seen any compelling evidence that this option has been adequately explored with existing or potential new owners. Thorough exploration of these potential alternative locations is particularly important given the Framework's requirement for the sites to be kept to a minimum, and its encouragement for the re-use of existing masts, buildings and other structures.
20. Therefore, I am not persuaded that this specific site is the only location for the installation within the area in question, and that the harm found would not be equivalent or less on a site or structure elsewhere.
21. The siting and appearance of the proposed installation would therefore harm the character and appearance of the area, and with the information before me this harm would not be outweighed by the need for the installation to be sited as proposed.
22. Furthermore, despite the support for high quality communications in the Framework, this is not at the expense of other Framework requirements such as achieving well designed places.

Other Matters

23. Concerns have been raised about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
24. Reference has been made to various social and economic benefits, but these have not been taken into account in considering the matters of siting and appearance.

Conclusion

25. For the reasons given above, I therefore conclude that the appeal should be dismissed.

Peter White

INSPECTOR