



Appeal Decision

Site visit made on 27 January 2023

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2023

Appeal Ref: APP/K0425/W/22/3302929

Henley Road, Marlow SL7 2DA

- 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 Hutchinson Networks (UK) Ltd against the decision of Buckinghamshire Council.
 - The application Ref 22/06099/PNP16A, dated 15 April 2022, was refused by notice dated 16 June 2022.
 - The development granted approval is Proposed 15.0m Phase 9 super slimline Monopole and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

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. This appeal will be determined on the same basis.

Main Issues

3. The main issues are the effect of the siting and appearance of the proposed installation 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

4. The location is grass verge that flanks both sides of Henley Road and provides the main route into and out of Marlow, and its amenities. The proposal would be required to provide an identified need by the operator for an approximately fifteen metre high Phase 9 super slimline monopole installation to deliver 5G coverage to the local area. The height is the minimum required to deploy the necessary 5G coverage to the Marlow area in order to 'offload' the congested sector within the cell.
5. The grass verge is wide and level, and apart from grass, is largely clear of other landscaping with only typical street furniture noticeable features within it. These effects are well assimilated into the street scape. Overall, in broad terms, there is a visually pleasant character to the locale that represents a less

densely residential nature on the approach into and out of Marlow and the appeal site contributes to this.

6. In terms of the proposed monopole, its design, height and scale would be of a very different character and appearance to the typical street furniture that are recognised elements of the local area. The monopole would appear as a new and stark feature within the grass verge. In addition, it would be set away from the landscape belt behind the grass verge in a very open and prominent position and seen in long range views in either direction due to the relatively straight nature of the road. The landscape belt behind, and other natural landscaping properties would not sufficiently screen it from public vantage. This would have the effect of further highlighting its incongruous appearance.
7. I appreciate the height has been designed as the lowest possible height to provide the necessary coverage within the cell area and this has been reduced to overcome the Council's previous refusal for a taller mast here, and in a position that would not impede pedestrians. However, in such a green and leafy environment, and even if the colour of the monopole is controlled by way of planning condition, nevertheless, the siting of the proposal would appear visually obtrusive and out of character in its context.
8. Therefore, by siting the monopole in this location its appearance would lead to a visual change to the local area that would have an adverse effect upon its character.

Other considerations

9. The deployment of new 5G technology, the public, social and economic benefits of mobile connectivity are highlighted by the appellant. The necessity of digital technology and its obvious contribution to the success of these factors is apparent to me. In addition, ICNIRP guidelines have been met by the appellant and this is noted. Published Government statements and the objectives of the National Planning Policy Framework, (the Framework) to support and drive towards advanced digital connectivity is pointed to by the appellant in support of their scheme.
10. As such, the Framework expects evidence to be submitted to justify all applications. For a new mast or base station this includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. This requires a sequential test of site options to be undertaken by the appellant.
11. The appellant explains from their discounted options that there are no suitable alternative sites to consider, and the site brought forward is the only viable alternative. Their choice of sites is dictated by the location of the nominal that is illustrated on a plan, and also takes into account interference with other adjoining sites. A further identified constraint is the fact that the area is densely residential in character and the proximity to these receptors, pavement widths and underground services also pose as a site constraint. I have no reason to contradict their findings or that there are no sensitive receptors such as listed buildings close to the appeal site that can also lead to being considered as a site constraint.
12. The discounted site options include sites outside the appellant's defined search area, some a considerable distance. It is confusing as to why one site is

discounted due to its distance from the nominal that is described by the appellant as 'too large', yet others also located a considerable distance away from the nominal have not been discounted for coverage reasons. This leads to ambiguity to the evidence that is presented before me.

13. In addition, discounted options referred to by the appellant for 'exposure' reasons or 'build perspective', is vague. It has not been evidenced that a discounted site would 'appear incongruous'. Overall, there is no clear and persuasive evidence to discount these potential options and I apportion little weight to the appellant's justifications.
14. Whilst they comment that the proposed design is the least visually intrusive design solution, and they state that a lower height mast would compromise the deployment of the digital service, nevertheless, this has not been evidenced on coverage maps to demonstrate this to be the case. It is also stated by the appellant that the monopole could facilitate multiple sharers. However, there is no evidence to demonstrate that this mast would negate the need for other installations locally. I apply limited weight to these comments.
15. There is no evidence presented to substantiate the appellant's view that a shared 5G structure would appear more visually intrusive than the proposal before me. In any case, each scheme is considered on its own merits.

Balance and Conclusion

16. I have concluded that the siting of the proposal in this location would lead to detrimental harm arising to the character and appearance of the local area. I have therefore considered any harm that would occur and whether this is outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives. I have found that there are ambiguities and generalised information within the alternative site selection. This further weighs against the proposal.
17. There would be public, social and economic benefits that the mobile telecommunications industry would bring and there is a recognised need for coverage within the local area. Due to its siting however, the harm I have found that would arise to the character and appearance of the area does not outweigh the benefits of the proposal. These matters attract significant weight and outweigh the benefits associated with it.

Conclusion

18. For the reasons given above I conclude that the appeal is dismissed.

Alison Scott

INSPECTOR

