



Appeal Decision

Site visit made on 21 February 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2023

Appeal Ref: APP/C1950/W/22/3299267

Howlands, Hall Grove, Welwyn Garden City AL7 4SD

- 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 CK Hutchison Networks (UK) Ltd against the decision of Welwyn Hatfield Council.
 - The application Ref: 6/2021/2982/PN15, dated 9 October 2021, was refused by notice dated 21 December 2021.
 - The development proposed is a 17.0m phase 8 monopole c/w wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a 17.0m phase 8 monopole c/w wrapround cabinet at base and associated ancillary works at Howlands, Welwyn Garden City AL7 4SD in accordance with the terms of the application, Ref 6/2021/2982/PN15, dated 9 October 2021, and the plans submitted with it including drawing nos. 002 Site Location Plan; 100 Existing Site Plan; 150 Existing Elevation A; 260 Proposed Elevation; 210 Proposed Site Plan.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) 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 this appeal has been made on the same basis.
3. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of Hertfordshire's Local Transport Plan 4 2018 (LTP4) and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues in this appeal are the effects of the siting and appearance of the proposal on the character and appearance of the area and on the future provision of highway infrastructure, 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

5. The appeal site is a broadly triangular-shaped area of grass amenity land close to the junction of Howlands, a secondary distributor road, with The Commons, a more minor residential street. The appeal site is situated between sections of pedestrian footway. Wide grass verges separate the pedestrian footways from the carriageways of Howlands and The Commons. The surrounding area is principally residential in character with modest two-storey detached and semi-detached dwellings set back from the highway by enclosed front gardens and amenity land. Mature trees and hedges are interspersed along grass verges and provide boundary treatments to gardens. Opposite the appeal site, a dense tree belt separates Howlands from development beyond. The area therefore has a generally green, open and spacious character.
6. The appeal site makes a positive contribution to the open character of the road frontage. The proposal would involve the siting of a monopole and ancillary equipment on the appeal site. The siting of the proposed installation would therefore erode the site's openness to the detriment of the character of the area.
7. The Council has raised concerns regarding the height of the proposed monopole and bulk of the top section. Whilst the proposed monopole would exceed the height of surrounding dwellings, lighting columns and signage, the design of the mast as a slimline monopole would help minimise its visual effect and, from the evidence provided, it would be of the height required to provide suitable network coverage.
8. The prevalence of mature trees within the surrounding area adds considerable height to the street scene. Notably, this includes two mature trees on adjacent amenity land to the rear of the appeal site. As indicated on the elevation plans, the height of the proposed monopole would be broadly comparable with surrounding trees. Whilst visible from different vantage points, the proposed monopole including the apparatus at its top, would generally be viewed against a backdrop of tree canopies, thereby minimising its visual impact within the street scene and skyline. In addition, whilst Howlands is a straight route, the sloping topography in the area of the appeal site would reduce perceived height and visual effects of the proposed monopole. Therefore, whilst visible from different vantage points, the height and bulk of the proposal would not amount to any significant harm to the character and appearance of the area.
9. The Council suggests the proposed monopole would have a modern, functional appearance and the visual impact of the proposed monopole would be emphasised by its grey colour and galvanised steel appearance. Likewise, other features present within the street scene, such as signage, lighting columns, road markings, and a pedestrian island are of utilitarian appearance. The

appellant indicates that the colour can be specified through the decision-making process, for example through a planning condition. The Council has not suggested a preferred colour. I consider that the appearance of the proposed monopole, including its colour, would not appear out of keeping with other vertical structures in the street scene and I have not specified an alternative colour in my decision.

10. The appeal site is situated outside, although close to the boundary of a conservation area. Whilst the Delegated Report indicates the proposal would not harm the character or appearance of the conservation area, the Decision Notice refers to the site's proximity to the conservation area boundary.
11. From the evidence, and from what I saw when I visited the site, the proposed mast would be within the setting of the conservation area. Neither party has submitted any substantive evidence in respect of the conservation area, or the contribution that the setting of the conservation area makes to its significance.
12. The conservation area is predominantly residential in character and the built form within its setting provides further residential context. The appeal proposal is located on a small area of land and the mast itself, relative to the size and extent of the conservation area, would not be a major feature. There is nothing before me that would indicate that its presence would undermine the ability to understand or appreciate the significance of the conservation area.
13. The conservation area boundary runs along the opposite side of Howlands to the appeal site. From within the conservation area, views of the proposed development would be obscured by the dense tree belt of tall, mature trees adjacent to the pedestrian footway at Howlands. Consequently, the siting and appearance of the proposal would not harm the character and appearance of the conservation area or cause harm to its setting.
14. As set out above, the appearance of the proposal would not be unduly prominent or incongruous within the street scene. However, the siting of the proposal would erode the generally open character of the appeal site and surrounding area of road frontage and would therefore give rise to a modest amount of harm to the character and appearance of the area.

Highway infrastructure

15. The Highways Authority indicates that Howlands is a busy bus route, and its pedestrian route is of strategic importance in part for access to the nearby hospital. The proposal would not be sited on the pedestrian footway and would not therefore impede pedestrian movement or access to busses.
16. The Highway Authority suggest the proposal would prevent any future sustainable travel or pedestrian improvement schemes along Howlands and thus conflicts with LTP4. However, I have been presented with no evidence to suggest any such sustainable travel project would be forthcoming within LTP4's plan period. Within the immediate surrounds of the appeal site are existing pedestrian footways, wide verges and parcels of amenity land which could likely be utilised were any future pedestrian improvement scheme forthcoming.
17. Consequently, having had regard to LTP4 Policy 1 which supports the creation of built environments that encourage greater and safer use of sustainable transport modes, I do not consider that the siting of the proposed development

would hinder the future provision of highway infrastructure nor prejudice vulnerable road users.

Other considerations

18. I have found that the siting of the proposed installation would result in a modest degree of harm to the character and appearance of the area. This harm should be weighed against the need for the installation to be sited as proposed. The appellant has referred to various social and economic benefits, however, the GPDO is clear that the only considerations should be the siting and appearance of the proposal. The social and economic benefits have effectively been recognised by the grant of permission under Article 3(1).
19. Paragraph 115 of the Framework indicates that the number of communications masts and sites should be kept to a minimum consistent with the needs of consumers and the efficient operation of the network, and the use of existing masts, buildings and other structures should be encouraged. The applicant has set out there is no scope to upgrade an existing mast nor site share due to the nature of 5G and the specific equipment required.
20. The submitted information suggests that eight alternative sites were considered and discounted for a range of issues including proximity to neighbouring properties, harm to the character of the Conservation Area, insufficient pavement space, build access issues, highway visibility issues, and proximity to overhead tree canopies. A further option, 'Option 2' was initially shortlisted but discounted due to its proximity to dwellings.
21. One respondent queried why an area of open green space adjacent to discounted option D6 was not included. It is my understanding that the area of search is limited to land forming a part of the public highway. The reasoning for discounting alternative site option 2 was also queried. The arrangement and layout of the public highway and amenity land at both shortlisted options 1 and 2 is similar. However, site option 1 benefits from greater screening between it and nearby dwellings. Therefore, the reason for discounting shortlisted option 2 appears justified.
22. I am satisfied that, on the basis of the evidence before me, there are no preferable suitable sites within the locality for the proposed installation. I therefore conclude that the need to site the installation in the location proposed, having regard to the availability of suitable alternative sites, outweighs the limited harm to the character and appearance of the area which I have identified.

Other Matters

23. A number of written comments were received from local people in response to the proposal which have been suitably addressed in the Council's Delegated Report. Some respondent's queried a description of the area as commercial in nature. Whilst a hospital is within walking distance of the appeal site, as discussed above the immediate surrounds of the appeal site are residential in character. I have determined the appeal on this basis.
24. Some respondents raised concerns regarding the proximity of the proposed installation to residential dwellings and extent of screening from trees. As I have set out above, whilst the proposed installation would be visible within the

street scene, the proposed monopole would be generally viewed against tree canopies minimising the visual impacts and prominence of the proposal.

Conditions

25. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.
26. The Council's Public Health and Protection team suggested imposing a condition to manage noise levels during construction works. Due to the scale of the proposal and siting on the public highway, I do not consider construction would generate excessive noise and therefore this condition would not be necessary.

Conclusions

27. Whilst I have identified the siting of the proposal would give rise to a small amount of harm to the character and appearance of the area, in the absence of suitable alternative sites, I conclude that the appeal should be allowed, and prior approval should be granted.

E Dade

INSPECTOR