



Appeal Decision

Site visit made on 21 February 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 MARCH 2023

Appeal Ref: APP/Y3615/W/22/3305386

London Road SWS, London Road, Guildford, GU1 2AL, 500306, 149947

- 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 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 Guildford Borough Council.
 - The application Ref 22/W/00041, dated 29 April 2022, was refused by notice dated 21 June 2022.
 - The development proposed is proposed telecommunications installation: proposed '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. 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 and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have had regard to the policies of the development plan 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.
4. As the proposal is in a conservation area (CA), I have paid special attention to the desirability of preserving or enhancing the character or appearance of that area, as set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, with due regard to the location of the site in the Guildford Town Centre CA.

Reasons

6. The site is located within the Guildford Town Centre CA. The CA is large, extending from the historic town centre to the more mixed residential and civic area near London Road Station where the site is located. The character of York Road and its significance stems from, amongst other aspects, the arrangement of tall Edwardian houses with decorative gables and two storey canted bays.
7. The appeal site is part of a grass verge located in a visually prominent location at the corner of the junction between York Road and London Road. The buildings at each of the four corners of the junction are set back away from the pavement edge, either behind hedging or grass verges. This creates an openness around the junction, which allows long distance views along York Road, London Road and Waterden Road, which are of importance in this part of the CA and as a whole. With its grassed verge and green hedgerow which creates a significant set-back from the public highway and the nearest building, the appeal site positively contributes to the character and appearance of the area.
8. The verge and adjoining pavement contain a range of street furniture including street lighting columns, traffic lights, street signs and a cabinet box. The land levels beyond the verge drop sharply so that the adjoining four storey residential building, Denehyrst Court is constructed on land significantly lower than the verge.
9. Although it would be located close to lampposts and trees, the 18 metre high monopole would be significantly taller than these and would not therefore be screened in any meaningful way. The submitted drawings show clearly how the monopole would be much thicker and taller than the adjacent lampposts, demonstrating the discreet design of the latter rather than the similarity and visual acceptability of the former.
10. Whilst I understand that 18 metres is the lowest height required to provide the improved 5G service need identified for the area, and that such poles are often found in urban locations, the monopole would be significantly taller, bulkier and more prominent than the existing street furniture. This is despite its proposed green colour which the appellant suggests would assist its assimilation into the streetscene. Due to the layout of the junction, the monopole would be visible from some distance when approaching from each of the four main directions, further amplifying its incongruous nature.
11. Although the grass bank would provide physical separation, the monopole would be sited in front of Denehyrst Court. It would be clearly visible in direct views for the occupiers of properties within Denehyrst Court which face the junction. As a result of its height, and the local topography, the top of the monopole would project significantly above the top of this adjoining building, creating a looming presence.
12. The proposed ancillary equipment cabinets would be of fairly modest size and would not be dominant features in the context of the other nearby street furniture, including the lampposts and existing cabinet box.
13. However, the proposed monopole would be a discordant feature unlike anything around it. Consequently, I conclude that the proposed development,

due to the height and design of the monopole, would fail to preserve the character and appearance of the CA as a whole.

14. The new site is required to meet CK Hutchison Networks UK Ltd operational requirements and to provide much needed coverage to this densely populated area. 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 that decisions should support the expansion of the communications network, and that the delivery of 5G infrastructure is specifically referenced. However, I must balance this against the requirement for equipment to be sympathetically designed and camouflaged where appropriate, as well as the overarching imperative in the Framework for development to achieve well-designed places for the long term.
15. In this case, the appellant's evidence demonstrates that there is a need for a new mast in the area. In accordance with the advice at paragraph 118 of the Framework, the Council does not question the need for improved coverage.
16. Paragraph 117 of the Framework states that evidence must be supplied to demonstrate that alternatives have been taken into consideration. During the site identification process a desktop survey was undertaken, and no mast or site sharing opportunities or existing buildings or structures were identified. The appellants considered four other sites but concluded that they were not suitable alternatives and that there are no sequentially preferable sites. As described by the appellants the sites were discounted for a variety of access, highways and technical reasons. One site was also discounted because the proposed development would not be International Commission on Non-Ionizing Radiation Protection (ICNIRP) compliant and because surrounding tall buildings would have affected connectivity. Whilst the selection of only four alternative sites seems fairly limited in scope, the Council does not suggest that there are less harmful locations for the provision of a more environmentally acceptable solution.
17. On the evidence before me, the development would comply with the guidelines published by ICNIRP. As such, the Framework advises that health safeguards are not something which a decision-maker should determine. No substantive evidence is before me to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified. I also note that the Council did not object to the development for these reasons.
18. In failing to preserve the character and appearance of the CA, I find that the proposed development would, in the words of the Framework, result in less than substantial harm to the significance of a designated heritage asset. In such circumstances, the Framework requires that the less than substantial harm should be weighed against the public benefits. The proposed development would provide a reliable 5G service to the area. Faster and more reliable connectivity to digital services would provide economic and social benefits. The Framework recognises that planning decisions should support the expansion of electronic communications networks and the appellant has provided the necessary evidence to justify the proposed development. Be that as it may, a balance should be struck between visual impact and need, and I do not consider that the appeal proposal has been sympathetically designed. Therefore, whilst there would be public benefits arising from the proposal they

do not therefore outweigh the harm I have identified to the CA and the great weight given to the conservation of designated heritage assets. The proposed development therefore conflicts with the provisions of the Framework in relation to conserving and enhancing the historic environment.

Conclusion

19. For the reasons given above and having regard to all other matters raised, I conclude that appeal should be dismissed.

B Pattison

INSPECTOR