



Appeal Decision

Site visit made on 24 March 2023.

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th May 2023

Appeal Ref: APP/N1920/W/22/3309340

Aldenham Road street works, Aldenham Road, Hertsmere WD23 2TZ

- 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 CK Hutchison Networks (UK) Ltd against the decision of Hertsmere Borough Council.
 - The application Ref 22/1198/PD560, dated 8 July 2022, was refused by notice dated 30 August 2022.
 - The development proposed is a 5G telecoms installation: H3G 18m street pole and additional equipment cabinets.
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Decision

1. The appeal is allowed and 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 5G telecoms installation: H3G 18m street pole and additional equipment cabinets at Aldenham Road street works, Aldenham Road, Hertsmere WD23 2TZ in accordance with the terms of the application Ref 22/1198/PD560 dated 8 July 2022, and the plans submitted with it, including Drawing No. WFD17915_WFD081_83833_WD0701_GA_REV A (002 Site Location Plan); Drawing No. WFD17915_WFD081_83833_WD0701_GA_REV A (215 Proposed Site Plan); Drawing No. WFD17915_WFD081_83833_WD0701_GA_REV A (265 Proposed Site Elevation).

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), 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 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 only insofar as they are a material consideration relevant to matters of siting and appearance.
4. I note that the Council makes reference to the effect of the proposal on the Green Belt. However, permitted development rights for Part 16 development apply in the Green Belt. Therefore, the principle of development is not for

consideration and the question of whether or not the proposal represents inappropriate development in the Green Belt does not arise.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area.

Reasons

6. The appeal site forms an area of grass verge alongside Aldenham Road. The surrounding area is characterised predominantly by recreational ground, with a number of educational and other recreational uses nearby. The area contains typical paraphernalia of a main road, including street lighting, road signs, bus stops, telegraph poles and some existing equipment cabinets. This part of Aldenham Road is lined by high metal fencing associated with the adjoining recreational uses.
7. The proposed mast installation would be taller than the majority of existing structures and buildings in the immediately surrounding area. There is no doubt, therefore, that it would be visible to users of Aldenham Road and the adjoining recreational grounds. Nevertheless, its relatively slender form, whilst visible, would not appear as an alien or overly bulky structure in this location. It would assimilate to an acceptable standard with existing structures such as street lighting and high-level fencing along the road. Moreover, views towards the proposal along the approaches to the site would be reasonably well obscured by established mature trees, particularly during summer months, together with semi-mature trees that will inevitably enlarge over time. The proposed equipment cabinets would be positioned to the rear of the verge. Their scale and design would be modest and in keeping with similar structures in the area.
8. Collectively, the various elements of the proposal would be visible in the surrounding area including along Aldenham Road and from within some nearby playing fields. However, the proposal would have an acceptable effect on the character and appearance of the area.
9. Overall, the proposal would not have a harmful effect on the character and appearance of the area. The proposal therefore accords with the relevant provisions of Policies SADM26 and SADM30 of the Site Allocation and Development Management Policies Plan (2016) and Policies CS13 and CS22 of the Core Strategy (2013). These policies, when taken as a whole, seek high quality development and, insofar as they relate to this prior approval appeal, appropriate development in the Green Belt. This is in a similar vein to the objectives of the National Planning Policy Framework which seeks development for telecommunications to have no unacceptable impact on appearance of buildings and townscape, and to minimise visual impact.

Conditions

10. Any planning permission granted for the proposed 5G telecoms installation: H3G 18m street pole and additional equipment cabinets 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.

Conclusion

11. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

A Price

INSPECTOR