



Appeal Decision

Site visit made on 15 June 2023

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2023

Appeal Ref: APP/K0425/W/22/3306826

Verge Fronting Staff Car Park And Playing Field On South Side Of Hamilton Road, High Wycombe, Buckinghamshire

- 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 GPDO).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Buckinghamshire Council.
 - The application Ref 22/06650/PNP16A, dated 16 June 2022, was refused by notice dated 10 August 2022.
 - The development proposed is 5G telecoms installation: 15m street pole and 3 additional ancillary equipment cabinets and associated ancillary works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site address in the header above is taken from the Council's decision notice. It more accurately describes the location of the site compared to the address provided on the application form.
3. The appellant claims the proposed equipment cabinets could be provided under permitted development rights without the need to apply for prior approval. Even so, they are included in the description of development and are shown on the appeal plans. Therefore, I have taken them into account in my assessment.
4. In light of Schedule 2, Part 16, Class A of the GPDO, I have assessed the proposal solely on the basis of its siting and appearance. The GPDO does not require consideration of the development plan but the policies of the Wycombe District Local Plan 2019 (the LP) are material considerations as far as they relate to issues of siting and design. LP policy DM20 states that proposals for telecommunications development will be determined in accordance with the National Planning Policy Framework (the Framework). I have taken this into account in my assessment.

Main Issues

5. The main issues are the effect of the siting and appearance of the development on (i) the character and appearance of the area, and (ii) the settings and significance of the Royal Grammar School, a grade II listed building (the LB) and the Amersham Hill Conservation Area (the CA).

Reasons

Character and appearance of the area

6. The installation would be on a grass verge to the side of Hamilton Road. Behind the verge and roadside pavement are playing fields. On the opposite side of the road is a row of 2 storey houses with the Royal Grammar School complex of buildings towards the Hamilton Road junction with Amersham Road. The appellant refers to nearby flats but I saw no such buildings on my site visit.
7. In terms of street features, there is a traffic sign near to the site of the proposal and another across the road. Also on the opposite side is a lamppost and there are others further along Hamilton Road in both directions. The existing signs and lampposts are spread out, slim and no taller than the nearby houses and so they assimilate sensitively with the street scene.
8. A bend in the road and the screening effects of trees on the boundary of the playing fields would prevent long distance sight of the development from the street. Nonetheless, the pole and cabinets would be obvious when approaching from both directions as they would be close to the kerb and away from the nearest trees. Also, the development would be clearly seen from the houses opposite and the pole would be visible from the playing fields.
9. The appellant claims the pole is the lowest possible in order to provide the required signal coverage. Even so, it would be much taller and bulkier than the existing lampposts and signposts. In more distant views, the pole would be seen through branches or against a backdrop of trees. However, it would stand out against the sky when seen from nearby, particularly from the pavement and houses directly opposite and from the playing fields. From these vantage points, the pole would appear obtrusive, imposing and starkly at odds with the existing low level street furniture and buildings in the area. Also, the cabinets would appear peculiar as there are no other such features close to the site.
10. Similar telecommunications developments are often seen alongside streets in urban areas. However, it does not follow that this specific installation would harmonise with its surroundings. In this case, the scheme's prominence and incompatibility would cause significant harm to the qualities of the street scene. The use of a grey finish would not address this detriment.
11. For these reasons, I conclude the siting and appearance of the development would harm the character and appearance of the area. In these respects, it would not accord with LP policies CP9 and DM35, as far as these are determinative on the issue.

Listed building and conservation area

12. The LB is described as the main block to the Grammar School and is dated 1914. Its significance derives from its architecture interest and attractive Queen Anne style. There are only restricted views of the LB from Hamilton Road due to its set back position and the screening effect of trees and bushes. The development would not meaningfully affect the roadside views of the LB and so it would have no effect on its setting nor its significance.
13. The CA is a linear area focused on Amersham Road. The Amersham Hill Conservation Area Appraisal notes the large villa type properties in tree lined grounds and the area's history as a wealthy Edwardian suburb. The CA's

significance therefore lies with how it illustrates the growth of the town during the early 20th century as well as with the aesthetic interest of many of its properties, including the Royal Grammar School buildings.

14. The development would be outside the CA but close to its boundary where it follows the edge of the Grammar School complex. The proposal would affect views towards the school and so towards the CA from Hamilton Road. In this respect it would affect the setting of the CA. However, any interruption of views would be minor and would not undermine the appreciation of any features of interest. As such, there would be no harm to the CA's significance.
15. Therefore, I conclude the development would not harm the setting nor the significance of the LB and the CA. In these regards, it would accord with LP policies CP9, CP11, DM31 and DM35, insofar as these are determinative on the issue.

Other Matters

16. Interested parties have raised concerns about potential effects on health. A certificate confirms the proposal would comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). Criticisms are made of the ICNIRP certification process and it is suggested that there is limited knowledge on the effects of telecommunication masts on health. However, the Framework advises against the setting of health safeguards different to the ICNIRP guidelines. 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 is justified. Acceptability in these regards is a neutral factor in my assessment.
17. The development would improve signal coverage and provide a new 5G network service. The Framework states that evidence should be provided with proposals for new masts to show how the possibility of erecting antennas on an existing building or structure has been explored. The appellant has identified a number of locations other than the appeal site for the development but these have been discounted. None of the alternatives are existing buildings nor structures but the Council has not suggested any such sites. As such, the evidence indicates a new mast is required.
18. The other sites considered are all roadside locations. Most of these are outside of a search area as defined by the appellant but they have not been discounted due to a failure to meet the coverage requirements. Instead, they have been ruled out due to issues such as insufficient pavement or verge width, the need to preserve visibility splays and being in a residential area. It is noteworthy that the appeal site itself lies outside of the defined search area.
19. The discounted site identified as D3 in the appellant's submissions is located on the corner of Amersham Road and Arnison Avenue. The Council make the point that at the road junction there are wide grass verges, particularly on the northeast side where there is seemingly ample space to install a new pole and cabinets. The appellant has not sought to dispute the Council's contentions and so the site provides a feasible location for the appeal development.
20. Also, there are grass verges along parts of Amersham Road that are of a similar width to that at the appeal site. Therefore, it is difficult to understand the reasoning for the appellant's decision to discount these sites due to lack of

adequate pavement or verge width. Without clearly reasoned justification for rejecting these alternatives, I attach little weight to the contention that the appeal site provides the only feasible option for the development.

21. The enhanced signal coverage provided by the proposal would bring economic and social benefits to local residents and businesses. The Framework recognises the benefits of telecommunications development and indicates that planning decisions should support the expansion of networks. However, the relevant provisions of the GPDO indicate that only matters of siting and appearance should be considered. The benefits of the scheme are not factors to consider as these are already recognised through permitted development rights. In any event, the advantages of the proposal and other arguments advanced in support of the scheme do not outweigh the harm I have identified in respect of the first main issue.

Conclusion

22. The proposal would not harm the settings nor the significance of the LB and the CA. However, the overriding factor is that the siting and appearance of the installation would be detrimental to the character and appearance of the locality. For these reasons, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR