



Appeal Decision

Site visit made on 13 June 2023

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 29 June 2023

Appeal Ref: APP/Y0435/W/23/3315364

Chadwick Drive SW, Eaglestone, Woughton on the Green, Milton Keynes MK6 5LS

- 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) Limited against the decision of Milton Keynes Council.
- The application Ref 22/02340/PRIOR, dated 13 September 2022, was refused by notice dated 10 November 2022.
- The development proposed is telecommunications installation: proposed 16.0m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.

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 (the 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.

Planning Policy

3. The principle of development is established by the GPDO, and the provisions of Schedule 2, Part 16, Class A do not require regard to be had to the development plan. Nevertheless, Policies CT2, D1 and D5 of the Milton Keynes Council Plan (2019), together with the MK Telecommunications Systems Policy Supplementary Planning Document (2005), are material considerations as they relate to issues of siting and appearance. In particular, these policies, together, seek to ensure that new development responds appropriately to the site and surrounding context and does not have an inappropriate impact on the operation, safety or accessibility of the local or strategic highway networks. The National Planning Policy Framework (the Framework) is also a material consideration, and it includes a section on supporting high quality communications.

Main Issues

4. The main issues in this appeal are the effect of the siting and appearance of the proposed installation on the character and appearance of the area 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 (the site) lies within a verge which forms part of the public highway of Chadwick Drive, close to the roundabout formed at the crossing point of the four arms of Chadwick Drive.
6. Nearby buildings are set well back from the street and are predominantly of one storey, with some two storey buildings in the wider area. A notable exception is a nearby multi-storey car park. Although this is a relatively tall building, its lowest level is set down below that of Chadwick Drive and this diminishes its impact on the street scene when viewed from Chadwick Drive. In the vicinity of the site Chadwick Drive is characterised by buildings in various uses associated with the provision of health care, set back from the street in landscaped plots. The landscaped plots and verges give the area an overall pleasant sense of spaciousness. Given the nature of the services provided by the buildings in the locality the area has a busy feel, and I observed many comings and goings during my site visit.
7. Chadwick Drive is a single carriageway street with footways on both sides, separated from the carriageway by substantial verges. Street furniture is limited to streetlights of slim design, approximately 5 metres in height, street nameplates and occasional service boxes.
8. The streetlights are the tallest items of street furniture and are noticeable features in the street scene, the other features being limited in height. Taken as a whole, street furniture is limited. Street furniture is, therefore, not a predominating feature in this area.
9. The proposed 16 metre monopole and associated cabinets would be located on the verge, clear of the footway. In the absence of any features to provide screening the equipment would be a highly visible and prominent feature on this open site from vantage points along the east-west axis of corner site and from the junction of Chadwick Drive with Saxon Street. There would also be views of the equipment from the windows of nearby buildings. Whilst the cabinets and lower part of the monopole would be screened in wider views by the planting and buildings nearby, the upper part of the monopole, by virtue of its height, would be visible from some distance away, appearing above the buildings and planting.
10. The streetlights in proximity to the site are of a much slimmer design, and roughly one third of the height of the proposed mast. The structure would be higher than any of the surrounding buildings and trees and would be much bulkier than any of the existing street furniture in the locality. It would, therefore, be a dominant and incongruous feature, that would fail to assimilate into its surroundings. Its harmful visual impact would be readily perceived by residents and by people visiting or passing through the area.
11. In arriving at this conclusion, I have considered the appellant's suggestion that the colour of the mast would assist in assimilating the functional nature of the installation into the street scene. However, whilst this may reduce its

prominence to a limited degree, it would not successfully conceal its height, bulk, and incongruous presence in these surroundings.

12. The appellant has brought my attention to a previous proposal in the area¹ (the previous proposal). The monopole proposed has a reduced height when compared to that of the previous proposal. A shorter monopole would be anticipated to be less visible over a wider area. I have nevertheless considered the proposal which is the subject of this appeal on its own merits.
13. For the above reasons, I conclude that the proposal would be harmful to the character and appearance of the area. Consequently, I must consider whether this harm is outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Reason for installation and alternative sites

14. The installation is required to fill a gap in 5G coverage in a predominantly business area surrounding the site, where access to digital services is poor. Paragraph 115 of the Framework advises that the number of telecommunications masts should be kept to a minimum, consistent with the needs of consumers, the efficient operation of the network, and the provision of reasonable capacity for future expansion. It also encourages the use of existing masts, buildings, and other structures. However, it does recognise that new sites may be required for new 5G networks. The evidence indicates that the sequential approach to site selection set out in paragraph 117 of the Framework has been followed, and that there are no opportunities for erecting antennas on existing buildings, masts, or other structures.
15. It is contended that, within a constrained search area, the appeal site presents the only viable solution, bearing in mind technical requirements. The appellant's evidence highlights five alternative sites within the target coverage area that have been considered, but the reasons given for discounting them are brief. The sites referred to as D1, D4 and D5 were rejected as it was considered that the pavement width was insufficient to accommodate a telecommunication mast. During my site visit I observed that the footways in the vicinity of all three of these sites are of similar width to that of the proposal site. All of these locations also have an area of verge between the footway and the carriageway. I also noticed that, in the vicinity of D1 and D4 the lighting columns were taller, whilst D5 would be viewed in context of the multi-storey car park. The evidence and reasons cited for rejection are not sufficient in detail for me to safely conclude that this general area would not provide a less harmful location for a new site.
16. The site referred to as D2 was rejected as affecting a visibility splay for a crossing. The site is close to a junction, and there would be potential for an installation of the scale proposed to interfere with visibility for vehicles exiting that junction.
17. The site identified as D3 lies close to the appeal site but closer to the roundabout. It was rejected as it would be likely to have a greater impact on the flow of traffic during the installation process. My observations suggest that sites D2 and D3 would not be less harmful locations for a new site when compared with the proposal site.

¹ Council Ref: 21/01960/PANOTH

18. On the evidence before me I cannot conclude that the appeal site represents the least harmful alternative for a new installation to provide 5G coverage for the area. Consequently, the harm that the proposal would cause to the character and appearance of the area is not outweighed by the need for it to be sited as proposed.

Other Matters

19. Reference has been made to various social and economic benefits, but these have not been taken into account in considering the matters of siting and appearance.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

I A Dyer

INSPECTOR