



Appeal Decision

Site visit made on 16 May 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2023

Appeal Ref: APP/J1915/W/22/3304963

Area of Grass Verge, Junction of Beane Road and Millmead Way, Bengeo, Hertford SG14 3YJ

- 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 East Hertfordshire District Council.
 - The application Ref 3/22/1017/TEL, dated 13 May 2022, was refused by notice dated 6 July 2022.
 - The development proposed is the installation of a new 15m monopole tower to support antenna, associated radio-equipment housing and ancillary development.
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Decision

1. The appeal is dismissed.

Procedural 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 consideration of the development plan. Nevertheless, I have had regard to the relevant policies in the East Herts District Plan (October 2018) (EHDP), the Bengeo Neighbourhood Area Plan (July 2021) (NP), and the National Planning Policy Framework 2021 (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed development on the character and appearance of the area, including the Hertford Conservation Area (CA).

Reasons

5. The appeal site is on the corner of Beane Road and Millmead Way. It is identified in the NP as forming part of an area of designated Local Green Space. As the development is permitted by the GPDO, which does not restrict proposals in such areas in principle, I do not consider the exceptional

circumstances requirement in Policy HBN1 of the NP to be relevant to this prior approval. However, the site is also located within the Hertford Conservation Area (CA), wherein there is a statutory duty under section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

6. The Hertford Conservation Area Appraisal and Management Plan (March 2017) identifies the site as falling within Area 2 - The Northwest Quadrant. It advises that the large area to the southwest of Millmead Way is an important area of open space, which forms part of the special character of the town. It also identifies the large open space/wildlife habitat site on the opposite side of Beane Road as being important. Both of these areas include important views, albeit of the open spaces to either side of the group of trees and the appeal site, rather than of the appeal site itself.
7. The area of wide grass verge comprising the appeal site, which has been partially cleared of trees to provide visibility for vehicles exiting Millmead Way, contains a street lighting column, a speed limit sign, a street name sign and a timber knee high rail marking the end of the Millmead Way footway. There is no footway along this side of Beane Road. The wider area of open space runs alongside the northwest and southwest sides of the Millmead Way housing estate, and comprises trees, play areas, footways and cycleways.
8. The nearby housing estate at Millmead Way is relatively modern and the buildings of themselves do not contribute to the architectural and historical significance of the CA. Nonetheless, the existing composition of the open landscape character of which the appeal site forms part does positively contribute to the distinctive and prevailing character, appearance and significance of the Northwest Quadrant of the CA.
9. Whilst I acknowledge that the antenna must be located above surrounding trees and buildings for operational reasons, the new 15m high monopole would be significantly higher than other nearby buildings, streetlights, traffic signs and trees. It would also be much wider than other street structures. Its steel finish and top-heavy equipment would have an uncharacteristic industrial-style appearance that would be overly conspicuous and would significantly detract from its predominantly natural surroundings. Although the trees would provide some screening and backdrop, these would not reduce the visual impact of the development from Beane Road and in views across the open space on the opposite side of the road. Despite its set back from the footway and the presence of various other smaller vertical structures, the proposal would appear incongruous in this natural and open environment.
10. The monopole would have a wraparound base cabinet and three further cabinets, would be sited alongside this in a single row. The cabinets would be larger in height than those typically seen in footways and verges in the surrounding area and the cumulative width of the row of cabinets would increase their visual prominence. The grey finish of the cabinets would not help to assimilate these into the backdrop of trees. There are no provisions within the GPDO to add additional conditions to those set out in the Order to control such matters, which should be considered at the design stage.
11. I therefore conclude that the siting and appearance of the proposal would result in harm to the character and appearance of the area, including to the

area of open space, which contributes to the significance of the CA. Consequently, it would conflict with policies ED3, DES4, HA1 and HA4 of the EHDP, insofar as they are a material consideration to the siting and appearance of the proposed development. These policies, together with the Framework, seek to ensure amongst other things, that telecommunications development has been designed and sited to minimise its impact on the visual amenity of the area and that proposals preserve the significance of designated heritage assets.

Other Matters

12. The evidence indicates a search area for network coverage of approximately 100 metres centred over the Beane Road area. A list of sites for a new base station that were considered and the reasons why they were discounted has been provided with accompanying grid references. However, this is not accompanied by a map or plan identifying the precise area within which the new telecommunications equipment would need to be located to provide improved capacity for 4G and 5G services in the area. In that context, I have insufficient evidence to lead me to consider with certainty that less harmful alternative locations are not available.
13. Even if it had been demonstrated that the appeal site was the best available option, the siting and appearance of the proposal has not been sympathetically designed or camouflaged, in accordance with paragraph 115 of the Framework, and Policy ED3 of the EHDP, in order to minimise its visual impact, by for example, siting cabinets back to back to reduce the spread of the equipment across the site, using a colour that blends the mast and cabinets into the landscaped backdrop and surroundings, landscape screening or consideration of the design of the monopole.

Balance and Conclusion

14. The proposal would fail to preserve or enhance the character or appearance of the CA. Although the degree of harm to its significance would be less than substantial, paragraph 199 of the Framework is clear that any harm to a CA must be afforded great weight.
15. In accordance with paragraph 202 of the Framework, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The public benefits of the proposal, including the economic and social benefits of upgrading electronic communication infrastructure as recognised by the Framework, are significant. However, these do not outweigh the harm I have identified, including clear conflicts with the development plan, the Framework and the statutory duty contained within the Act.
16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

R Bartlett

INSPECTOR